

**CITY OF NORTH ST. PAUL PLANNING COMMISSION
REGULAR MEETING AGENDA
THURSDAY, SEPTEMBER 3, 2020
6:15 PM**

North St. Paul City Hall – Council Chambers
2400 Margaret Street

The City of North St. Paul has moved all of its public meetings online effective August 4, 2020. The move to online meeting access via Zoom ensures compliance with the Governor’s Emergency Executive Order and face covering mandate while providing our City Council members, staff and residents with safe and comfortable access to public meetings. Access information and links to meetings are available at northstpaul.org. This change to online meeting access will remain in effect until further notice. (Stat. 13D.02 subd. 4)

**The August 13th Zoom meeting can be accessed [HERE](#) or via:
<https://wsbeng.zoom.us/> (from a PC, Mac, tablet, iPhone or Android device)
Meeting ID: 230 597 443
Password: 663246
or by phone at 1-929-205-6099, meeting ID 230 597 443, password 663246.**

The Planning Commission Zoom meeting will be ‘open to the public’ to listen in, but will be muted from contributing at all times with the exception of the open to the public forum.

Please join the meeting early to test your audio and video settings. If you join via a device and your audio is not working, you may need to use the dial-in phone number option in order to be heard.

I. CALL TO ORDER

II. ROLL CALL

COMMISSION

Elaine Barton, Commission Chair

Patrick Blee, Commissioner

Rick Gelbmann, Commissioner

John Monge, Commission Vice-Chair

Tom Sonnek, Commission City Council Liaison

Michael Stahlmann, Commissioner

Allan Worm, Commissioner

STAFF

Erin Perdu, Planning Consultant

Olivia Boerschinger, Planning Secretary

III. ADOPT AGENDA

IV. APPROVAL OF MINUTES

- A. Approval of the August 6 and August 13, 2020 regular meeting minutes.

V. MEETING OPEN TO THE PUBLIC

Note: This is a courtesy extended to persons wishing to address the Commission concerning issues that are

not on the agenda. This discussion will be limited to 15 minutes.

VI. PUBLIC HEARING

VII. COMMISSION BUSINESS ACTION ITEMS & RECOMMENDATIONS

VIII. OLD BUSINESS

A. 2020 Zoning Updates Discussion

IX. REPORTS FROM STAFF

X. REPORTS FROM COMMISSIONERS

XI. ADJOURNMENT

The next regularly scheduled Planning Commission Meeting is Thursday, October 1, 2020 at 6:15 p.m.

**CITY OF NORTH ST. PAUL
PLANNING COMMISSION
REGULAR MEETING MINUTES
THURSDAY, AUGUST 6, 2020
6:15 P.M.**

I. CALL TO ORDER

Chair Barton called the meeting to order at 6:15 p.m. The meeting was conducted via Zoom.

II. ROLL CALL

COMMISSION

Elaine Barton, Commission Chair

Patrick Blee, Commissioner

Rick Gelbmann, Commissioner

John Monge, Commission Vice-Chair

Tom Sonnek, Commission City Council Liaison ABSENT AND EXCUSED

Michael Stahlmann, Commissioner

Allan Worm, Commissioner

STAFF

Erin Perdu, City Planner

Olivia Boerschinger, Planning Secretary

III. ADOPT AGENDA

Motion to adopt agenda by Commissioner Gelbmann, and seconded by Chair Barton, with all present voting aye (6-0). Motion carried to adopt the August 6, 2020 Agenda.

IV. APPROVAL OF MINUTES

Chair Barton requested the following correction to the July 2, 2020 meeting minutes:

-page 6, 3rd paragraph, last line should read: "City Staff offered to contact the applicant regarding joining the meeting".

Motion to approve Minutes by Commissioner Worm, and seconded by Commissioner Gelbmann, with all present voting aye (6-0). Motion carried to approve the July 2, 2020 regular meeting minutes as amended.

V. MEETING OPEN TO THE PUBLIC

There were no comments.

VI. PUBLIC HEARING

-None.

VII. COMMISSION BUSINESS ACTION ITEMS & RECOMMENDATIONS

Planning Secretary Olivia Boerschinger stated a Planning Commission special meeting is requested on August 13, 2020. She added the meeting must be held to accommodate a time-sensitive agenda item that has a 6-month deadline. She noted Planning Commission approval is required to schedule the meeting on August 13, 2020.

Chair Barton stated the issue was tabled. Ms. Perdu stated the public hearing will be re-opened and it has been noticed in the paper. She added the staff report will be sent to Commissioners no later than Tuesday, August 11, 2020. She noted comments should be submitted to Ms. Boerschinger.

Commissioner Gelbmann stated he is unable to join the meeting on August 13, 2020.

Chair Barton stated Commissioner Blees is not able to join the meeting.

Motion by Commissioner Worm, and seconded by Commissioner Monge, with all present voting aye (6-0). Motion carried to approve the Special Meeting on August 13, 2020 at 6:15 p.m.

VIII. OLD BUSINESS

A. 2020 Zoning Updates Discussion

Ms. Erin stated the Planning Commission reviewed Housing Policy items at their last meeting, including language related to townhomes, two-family dwellings, cottage developments and accessory dwellings, as well as revisions to the PUD.

Ms. Perdu stated minor changes were made to “townhomes” (page 18 of 54), including how to measure variation in exterior walls if units are attached; how close they have to be to apply the standard; and variation in front facades. She added the reference to screening of transformers was removed as it is in the Utilities section.

Chair Barton stated the item above transformers refers a requirement that air conditioners must be screened from view. She asked whether that refers to the view from the street, or from neighboring properties. She added it would typically refer to the view from the street, but that is not always the case.

Commissioner Blees stated air conditioning units should be screened from view from the street or public way, as opposed to adjacent private property. He added the term “public way” should be used instead of “street”, as that is a Code reference.

Ms. Perdu stated it would be difficult to screen an air conditioning unit from adjacent property.

Ms. Perdu reviewed the minimum livable floor space for two-family units and townhomes, in the districts where they are permitted.

Commissioner Gelbmann asked, under “General Regulations – Tree Requirements” on page 19, whether there should be a restriction on planting trees in the drainage easement. Ms. Perdu stated that would not apply to every development and would not be necessary to add it to the regulations.

Ms. Perdu stated minimum livable floor space was included because townhomes are now permitted in Mixed Use districts.

Commissioner Gelbmann asked whether “per unit” should be specified for 900 square feet for two-family units. Ms. Perdu agreed to add that to the table heading.

Ms. Perdu stated, under “two-family dwellings”, the requirement was removed that garages must face separate streets if the duplex is on a corner. She added it was decided that was a difficult requirement to meet. She noted two-family dwellings are permitted in the R-1 District.

Chair Barton requested the following correction: on Page 25 – Garage Frontage, replace “is” with “are”. She added it should be clearly stated that the garage door cannot make up 50% of the façade.

Ms. Perdu stated there were some minor changes under “Alternative Neighborhoods – Cottage Developments”. She added the floor area of each cottage shall not exceed 1,000 square feet, and the total floor area shall not exceed 1.5 times the area of the main level.

Ms. Perdu stated there are a few points for discussion under “Accessory Dwelling Units (ADU)”. She added Item E was amended to allow for accessory dwelling units as free-standing structures and other options. She noted there is a potential conflict in that the setback requirement for an ADU is 10 feet from the property line, but the setback for garages is only 3 feet.

Chair Barton stated she does not have a problem with leaving the ADU setback. She asked whether this would have implications for the number of accessory structures that are allowed elsewhere in the Code.

Commissioner Blees stated the setback limits where someone might be able to build an accessory structure, but 10 feet is not all that much setback. He added he was surprised to learn that garages are only 3 feet. He noted he would support leaving it as written. The Commissioners agreed.

Commissioner Gelbmann stated there is no explicit statement that ADUs are allowed on properties that already have two family houses on them. He added, in essence, this could allow three living units on one property. He noted many cities only allow two units maximum on a lot in the R-1 District.

Commissioner Worm asked whether it would even be possible to do that in North St. Paul.

Ms. Perdu stated some lots could accommodate 3 units but not all lots. She added lot coverage will be the limiting factor.

Chair Barton agreed with Commissioner Gelbmann’s comment about allowing an accessory structure on a property with a two-family dwelling.

Ms. Perdu stated that could be included in a statement, that ADUs are not allowed on lots that already have a two-family structure.

Commissioner Gelbmann stated it will be a significant change to allow two family dwellings on lots in the R-1 District. He added he supports this, but it would be a challenge.

Commissioner Blees agreed, adding he supports the addition of ADUs on two-family lots but the language could be clearer.

Ms. Perdu stated the term “principal dwelling” could be used.

Chair Barton stated this section refers to a “separate entrance”. She asked whether this discussion relates to detached accessory dwellings.

Ms. Perdu stated the Code does not specify detached or attached ADUs. She added that is a requirement that could be added. She noted an ADU could be connected via paved walkway to driveway, as it must have street access.

Commissioner Blees stressed the importance of providing a definition for “accessory dwelling unit”. He added someone may have a bedroom and bathroom inside their house that someone is using, or there may be a separate dwelling unit. He noted the way it is written seems to refer to a separate living component with its own entrance.

Chair Barton stated there is a definition on page 32 that refers to ADU’s as “self-contained”.

Ms. Perdu stated dwelling units are defined in the Ordinance. She added it is possible to have an ADU within a single-family home, with access from inside the home. She added Item K is currently written to require an outside entrance. She noted City Staff will review that section.

Commissioner Monge asked whether City Staff have any concerns about emergency access for an ADU that may be a second dwelling on a property with no sidewalk access. Chair Barton stated that could depend upon where the second structure is located. She agreed access could be an issue.

Ms. Perdu stated she is inclined to make a distinction between detached and attached ADU’s, and have a requirement for each. Chair Barton agreed that might be helpful when drafting standards.

Chair Barton stated, with regard to “off-street parking” on page 33, she is unsure whether one parking space per dwelling unit should be required. She added residents who live in separate dwellings might not drive and would not need a parking space. Ms. Perdu stated it would be easy to remove that requirement depending upon the consensus of the Planning Commission.

Chair Barton requested that this section be amended to require “no more than one parking space” per property. The Planning Commissioners agreed.

Ms. Perdu stated the sample Ordinance from Bloomington includes language allowing home occupations in Level 1 homes, but not Level 2 homes. She added they could be allowed in all homes.

Commissioner Gelbmann stated there may be an issue with “home occupations” as some people might build an ADU to have their business on residential property. He added it might not be a problem, but rather something to be aware of.

Ms. Perdu stated she is not sure whether it is necessary to discuss “additional design standards”, including visibility of exterior stairs. She added she is unsure whether that is an issue for North St. Paul.

Chair Barton stated, regarding Item D related to primary exterior materials, the ADU should be required to match the primary structure.

Chair Barton stated exterior stairs are an interesting issue that should be considered. She added an ADU could be located above the residential unit, or above a garage, and visible stairs should be addressed. She noted visible stairs should not face the primary structure.

Commissioner Monge stated a home on Henry Street has an exterior stair at the back of the home that is not visible from the street. Commissioner Stahlmann stated that stairway is visible on the back of the home from 17th Avenue.

Commissioner Monge stated exterior stairs can be allowed on the side and back of homes and hidden from public view.

Commissioner Blees stated it is important to minimize visibility from the public way.

Barton stated she appreciated the sample language from other cities.

Ms. Perdu stated the main purpose of making modifications to the PUD is to clarify whether there are public benefits that would be desirable for the City. She added, after reviewing a few recent PUD requests, City Staff recognized the need for clarity in the Ordinance language in terms of flexibility, and also some procedural clarifications.

Ms. Perdu reviewed the PUD section, including a table with zoning districts and their purposes; PUD statement of public benefit in exchange for flexibility; and purpose and objectives. She added the purpose of the PUD is to encourage innovation and project design. She noted a new statement is proposed that would reflect that development must be harmonious with its surroundings, and consistent with the Comprehensive Plan.

Ms. Perdu stated she added a sentence to the Purpose Statement regarding mix of uses, as the PUD is one of the only ways to achieve mixed use development. She added it was important to include mixed use as an appropriate use of PUD. She noted a statement was added clarifying that a mixture of residential unit types and densities is an appropriate use of PUD, to create a variety of housing types that is consistent with the housing goals in the Comprehensive Plan

Commissioner Gelbmann stated he appreciates that City Staff are attempting to strengthen the intent and purpose, to be more clear about what is being achieved. Chair Barton agreed, adding it seems less wordy, which makes it stronger.

Ms. Perdu stated the section about types of permitted PUD's was removed as it is unnecessary.

Ms. Perdu stated a statement regarding general requirements was added, indicating which Ordinance requirements allow flexibility and achieve the objectives of the PUD. She added the only existing standard that is listed that allows flexibility is lot size. She added the general requirements include setbacks, density and lot size.

Chair Barton stated it is a good idea to be clear on these requirements, because setbacks were implicit but it was not clear how they would occur or what the City should expect to get from it.

Commissioner Gelbmann stated it is a good idea to state that single family homes do not constitute a PUD. He added multiple uses or units is something that is worthwhile to include. He noted perhaps there should be a minimum size property requirement, but there may be a reason not to do that, due to difficulties that we have had in the past.

Commissioner Worm asked whether the development on 7th Street falls under these requirements. Ms. Perdu stated that application has already been approved and it meets all the PUD requirements. Commissioner Worm stated that is good, because there is a need for it.

Chair Barton stated it should be stated in the PUD definition that it is not a variance. She added the PUD is not just adding an amenity to an existing location, but rather developing a property into something new. She noted applicants with a single-family property may want to add an ADU, and try to get a PUD to do that, because it will be two residential units instead of one.

Commissioner Gelbmann stated there should be a statement that this is a creative way of using the land, and it can be multi-purpose or multi-unit, but something more than a single-use piece of property.

Ms. Perdu stated Item E states that increased density can be approved if public benefit is achieved. She added the term "beyond what is required" has been added. She added maximum density can be guided by the Comprehensive Plan, and the Shoreland District's underlying density must be adhered to.

Ms. Perdu stated flexibility for parking has been added. She added, if the developer can demonstrate that there is complimentary peak parking demands, parking requirements can be reduced. She added a restrictive covenant limiting uses could be required if less parking is allowed, to ensure the complimentary demand remains and they do not switch uses.

Chair Barton stated this assumes multiple different uses. She added residential use would indicate that a lesser amount would be sufficient. She noted she would not want to limit "mixed use". Ms. Perdu agreed. The Planning Commissioners agreed.

Ms. Perdu stated a formalized process for a concept plan requirement was included in the PUD. She added it is not required, but a formalized process might be helpful for some PUD's.

Chair Barton asked whether neighborhood meetings could be encouraged as part of the concept plan and early stages of development. She added neighbors may feel like they have not learned what is going on ahead of time.

Commissioner Blees stated neighborhood meetings could be added as a requirement.

Commissioner Monge stated some cities put out a sign at a development site so residents know what is planned.

Chair Barton stated it will be difficult to require a neighborhood meeting if there is no concept plan. She added a concept plan should be reviewed by the Planning Commission prior to the preliminary development plan.

Ms. Perdu stated City Staff tries to encourage that as much as possible, but often developers are willing to take their chances with the Commission and move their application forward. She added the concept section can be amended to strongly encourage a concept plan.

Commissioner Gelbmann stated there should be a statement that “In the spirit of the PUD, in terms of innovation, all parties that are impacted should be included.” He added innovation should be strongly tied to the PUD and its impact on existing neighbors.

Commissioner Blees stated a comma should be added to the 2nd line, so that it reads: “may, at their option, ...” Ms. Perdu agreed to review the paragraph for excessive wordiness.

Ms. Perdu stated, under Item #3 on page 48, the requirement for 30-day public notice was removed, as it is not consistent with State statute. She added language was added to Item #4 regarding the 60-day rule.

Ms. Perdu stated the only significant change to the section on Final PUD is on page 49, which clarifies that a developer can submit a final PUD, or it can be submitted in phases.

Commissioner Blees asked whether applicants have more than 6 months if they go with a multi-phased development. Ms. Perdu stated it is her assumption that they would have more than 6 months to do all the phases.

Ms. Perdu stated, at the top of page 50, the 30-day requirement to record final plat and PUD has been extended to 180 days. She added developers have indicated that 30 days is unreasonable. She noted delay is often caused by the County.

Chair Barton stated Item E, Review and Evaluation Criteria, should include the specific requirement that achieves the objectives, how it meets Code, and an assessment of benefits.

Chair Barton stated, on page 53, under Amendments and Administration, item B refers to “minor changes”. She asked what is the definition of a “minor change”. Ms. Perdu stated she agrees that is a subjective term and should be clarified.

Chair Barton stated the last sentence on page 54 refers to revocation of the PUD overlay district “in any event”. She asked whether that is up to City Staff’s discretion. Ms. Perdu stated that can term can be removed, and it would not change the sentence.

Commissioner Blees stated “revokation” should be replaced with “revocation”.

Ms. Perdu stated she appreciates the Planning Commissioner’s feedback and comments. Chair Barton stated some good, necessary changes have been discussed that will facilitate the process.

Ms. Perdu stated she would bring the recommended changes back to the Planning Commission for review at their next meeting. She added the next Ordinance review will be related to parking and could be discussed at the September 2020 meeting.

Commissioner Stahlmann stated, at the bottom of page 53, the statement “open space must be authorized by the Planning Commission” should be changed. Commissioner Gelbmann stated that section could read “reviewed by the Planning Commission and authorized by the City Council.

Ms. Perdu stated meeting packets will be sent out to the Commissioners for the August 13, 2020 meeting.

Ms. Boerschinger stated she would send Commissioner Worm a test email immediately after this meeting is concluded.

IX. REPORTS FROM STAFF

-None.

X. REPORTS FROM COMMISSIONERS

Commissioner Worm asked whether the Senior Day Care Center on 7th Street was approved by the City Council. Chair Barton confirmed this.

Chair Barton stated there was a discussion at a recent City Council meeting about ensuring that draft meeting minutes are available on the City website. She added draft minutes are not available for viewing until the next meeting’s packet is posted online a month later. She noted people may be interested in an Agenda item and might want to review it before the next meeting.

Chair Barton stated the next Planning Commission meeting will be held August 13, 2020 at 6:15 p.m. She added this will be a special meeting.

Chair Barton reminded everyone that August 11, 2020 is Primary Election Day.

XI. ADJOURNMENT

There being no further business, motion to adjourn by Commissioner Worm, and seconded by Commissioner Monge, with all present voting aye (6-0). Motion carried to adjourn the meeting at 7:40 p.m.

The next regularly scheduled Planning Commission Meeting is Thursday, August 13, 2020 at 6:15 p.m.

Members, please notify any planned absences to: Olivia Boerschinger
Planning Commission Secretary
651-747-2400
Olivia.boerschinger@northstpaul.org

**CITY OF NORTH ST. PAUL
PLANNING COMMISSION
SPECIAL MEETING MINUTES
THURSDAY, AUGUST 13, 2020
6:15 P.M.**

I. CALL TO ORDER

Chair Barton called the meeting to order at 6:15 p.m. The meeting was conducted via Zoom.

II. ROLL CALL

COMMISSION

Elaine Barton, Commission Chair

Patrick Bles, Commissioner EXCUSED ABSENT

Rick Gelbmann, Commissioner EXCUSED ABSENT

John Monge, Commission Vice Chair

Tom Sonnek, Commission City Council Liaison

Michael Stahlmann, Commissioner

Allan Worm, Commissioner

STAFF

Erin Perdu, City Planner

Morgan Dawley, City Engineer

Olivia Boerschinger, Planning Secretary

III. ADOPT AGENDA

Motion to adopt agenda by Commissioner Stahlmann, and seconded by Commissioner Worm, with all present voting aye (4-0). Motion carried to adopt the August 13, 2020 Agenda.

IV. APPROVAL OF MINUTES

There were no minutes to approve.

V. MEETING OPEN TO THE PUBLIC

There were no comments.

VI. PUBLIC HEARING

- A. Preliminary/Final Planned Unit Development, Preliminary/Final Plat for development of 12 townhouse units at 2239 17th Avenue E.

City Planner Erin Perdu reviewed a request for consideration of proposals related to the Delaware Place townhome development application. The concept was approved by the Planning Commission in October 2019, and the City has since renegotiated the purchase agreement which was finalized in March 2020 at which time the deadline was set for August 18, 2020 to finalize approvals for the project. City Staff has met with the developer numerous times, including most

recently on July 21, 2020 to review submittal timelines and expectations, as nothing new had been received. This special meeting has been scheduled as it was past the deadline for the Planning Commission's regular meeting in August.

Ms. Perdu stated City Staff and consultants have been very accommodating toward the applicant and this development. She added details and information have been received by City Staff up until the last minute and continue to get more details. She noted City Staff will do the best they can to communicate the plans and review what has been received so far.

Ms. Perdu stated the development would be located on one parcel on the northeast corner of 17th Avenue and Delaware Avenue, with frontage on both streets. The 2.5-acre parcel is zoned R2, and it is surrounded by detached single family homes. The Comprehensive Plan guides this area for Medium Density Residential with 5.6-12 units per acre. The townhomes will be arranged in two unit attached buildings, and an Outlot A covers the private roadway and stormwater drainage utility, while Outlot B is proposed to be dedicated back to the City for public open space. The private road is 28 feet wide on the east-west portion, and 24 feet on the north-south portion.

Ms. Perdu stated the site plan calls for 12 duplex townhome units, with 1 of the 2-unit buildings having access directly from Delaware Avenue. The developer is requesting deviations related to lot and building setback requirements. The City has flexibility with granting deviations under the PUD.

Ms. Perdu stated the impervious lot cover on the site is 29.7% compared to a maximum allowed amount of 40%. She added there would be a deviation for individual lots, as well as side yard setbacks, lot coverage, front yard surfacing, height and minimum livable space.

City Council Liaison Sonnek asked whether the total lot coverage includes Outlot B. Ms. Perdu confirmed this.

Ms. Perdu stated the proposed density is consistent with the requirements of the R2 District and Comprehensive Plan. She added requested relief from dimensional standards will accommodate attached units and Outlot A with stormwater and access drive. She noted that is a common request in a PUD.

Ms. Perdu stated the townhome units will have 1,180 square feet of open space which is calculated separately from the public park dedication. She added a minimum of 500 square feet is required. She noted City Staff is recommending a paved access path to the open space. Open space requirements are met in this plan.

Ms. Perdu stated, with regard to landscaping, only 12 trees are required for the 12 residential units, and 28 trees are provided. Two trees on the site plan located within stormwater drainage areas will need to be moved. Additional landscaping is recommended at the rear of the units that face 17th Avenue.

Ms. Perdu stated the 1-story units show HVAC units on the side that are not screened, and would need to be screened per Ordinance. She added trash pickup is would be for each individual unit with containers stored inside the garages.

Ms. Perdu stated City Staff received details on lighting for the 2-story units but not the 1-story units. She added wall-mounted garage-front lighting on the units is the only lighting proposed on the site plan. She noted it is anticipated that these will be typical residential style outdoor lights.

Ms. Perdu stated the previous plan showed sidewalks connecting units with their individual driveways and that is not shown in this version of the site plan. She added that will need to be cleared up by the applicant. She added City Staff have requested a sidewalk to the entrance of the development on Delaware, to connect to the pathway that leads to the open space.

Ms. Perdu stated parking requirements are met as each unit has a 2-car garage. Additional visitor parking would be accommodated in driveways or on the private road, which has been widened.

Ms. Perdu stated bike parking is required because this is multi-family development, which is 10% of the vehicle parking stalls, or 2 spaces. She added there is plenty of room for bike parking on driveways and in garages.

Ms. Perdu stated the private drive would be between 24-28 feet wide in different locations. City Staff did not feel there would be congestion or safety issues for residential streets in the area.

Ms. Perdu stated City Staff received details on building materials for the 1-story units, but not the 2-story units. She added the style that is proposed is consistent with the residential character of the neighborhood. She noted the rear facades that would be visible from 17th Avenue are designed with covered porches and windows so they would have a similar look to a front façade.

Ms. Perdu stated the site plan shows all the buildings with the same setback and no variation. She added City Staff recommends variation in the setbacks to provide visual interest. She noted the applicant would need to provide additional information regarding unit placement on the lots.

City Engineer Morgan Dawley reviewed engineering requirements that have been determined after conversations with the applicant, including stormwater calculations which are not complete. He added, however, the applicant provided this information in previous versions of the application. He noted the applicant will need to complete the stormwater calculations between now and City Council consideration.

Mr. Dawley stated a condition of approval is that the proposed City access to Outlot B would be paved with a curb cut or something similar. The park would need to be transferred to City ownership in the developer's agreement. He added a hydrant is requested to be moved to the north, and more than minimal patching on Delaware will be required after utilities are installed. He noted existing easements on the property will need to be vacated.

Mr. Dawley stated a section of 17th Avenue will need to be dedicated to Ramsey County to show consistency to the east and west in terms of overall corridor on either side of this development. He added there is a possibility that changes will be required to the final plat after Ramsey County's review.

Mr. Dawley stated, from an engineering standpoint, there is a fair amount of work to be done because of the compressed time frame. He added he recommends that the Planning Commission request that the developer and the developer's engineer confirm where they are in the plans, now that all comments have been clearly communicated, and do they have the ability to quickly address concerns.

Ms. Perdu stated, based on overall plan, the application meets the intent of earlier concept approvals. She added there are many details to cover and issues that are not finalized. She noted it is the sentiment of the City that work should begin on the site this fall, and the developer's agreement should be in place in September with permits issued by October 1, 2020.

Ms. Perdu stated City Staff recommends that the Planning Commission recommend City Council approval with conditions. She reviewed the conditions of approval: developer's agreement by September 2020; permits by October 1, 2020; all engineering comments addressed; sidewalk between 17th and Delaware project entrance; paved pathway to access public open space; light fixture details; screening for HVAC units; setback/façade variation; move landscaping out of drainage and utility areas as determined by City Engineer; confirmation of hydrant locations; all necessary permits from watershed, MPCA and MDH; water/sewer publicly owned, stormwater management privately owned; stormwater management and maintenance agreement; individual refuse containers for units; Ramsey County review of final plat; Ramsey County right-of-way dedication for 17th Avenue; existing drainage and utility easements vacated and recorded prior to recording final plat; permanent drainage and utility easements dedicated on final plat; Outlot B dedicated in ownership to City; and permanent drainage and utility easements dedicated to City over all of Outlot B.

Chair Barton requested input from the applicant on their progress on site plan updates, and whether they can meet the time frame.

Karen Keenan, the developer's engineer, thanked City Staff for their hard work and support. She added she knows this is a tight time frame, and she appreciates their responsiveness. She noted they are working hard to get all the comments addressed, and will submit updated plans on Monday August 17, 2020, incorporating the issues and comments that have been expressed tonight.

Ms. Keenan showed the site plan with grading, including the stormwater quality basin. She added the sidewalk connection will be made from the corner of 17th Avenue and Delaware Avenue going north, to connect to the private road into the site.

Commissioner Worm asked whether trees will be planted on Outlot B. Ms. Keenan stated no landscaping is proposed at this time. She added her understanding is that will be a passive park.

Chair Barton stated that area would be dedicated to the City, so the City could plant trees.

Commissioner Stahlmann asked what materials will be used for the base of the water basin. Ms. Keenan stated there will be plantings on the side slopes and a mix of materials in the bottom. She added she can provide greater details on that issue.

Commissioner Stahlmann asked how wide the pathway to the open space will be, and whether it will have a base.

Mr. Dawley stated it will be a paved path that will cross over the emergency flood control area, which are critical elevations. He added it will be wide enough to be accessible for vehicles, but the pond may restrict City vehicles from reaching the sewer line and the pond area. He encouraged the developer's engineer to work on this issue. He noted the path would have a gravel base and asphalt top and would be approximately 10-12 feet wide.

Commissioner Stahlmann asked whether the stormwater basin will be more of a water garden, or if it will have a rock base. He added there is an area near the North St. Paul Snowman that has a gravel base, and it is not appropriate for an area where there will be kids playing. He noted he would be more comfortable with a garden area with wildflowers and plantings.

Mr. Dawley stated stormwater areas are usually planted with vegetation and plantings that are tolerant of occasional flooding. He added it would usually not be a rock or gravel basin. He noted other similar basins are older, and more recent designs do not follow that aesthetic, but the developer may have to inform the City Council on that issue.

Chair Barton asked which of the units are 1-story and which are 2-story.

Ms. Keenan stated the 1-story units are in the northwest corner, and 2-story units run along 17th Avenue.

Paul Bruggeman, the developer, stated the building materials will be similar on both the 1-level and 2-level plans. He added no stone is planned for any of the units. He noted it has not been determined where buildings will go in relation to each other, and that is why he included three separate elevations in the site plans, for consideration.

City Council Liaison Sonnek asked why the review was rushed and last minute. He added engineering notes were given in the fall of 2019.

Mr. Bruggeman stated he does not have an answer for that question.

Ms. Perdu stated she and Mr. Dawley have been in touch with Mr. Bruggeman periodically throughout the past several months to check in on his progress.

City Council Liaison Sonnek stated the trail leading to the open space will be for pedestrians and bikes, but also City equipment and vehicles. He added the path will connect with the private drive, which will not have public parking. He asked whether it will be okay for neighborhood children to walk down the private drive to get to the path, and whether there will be any signage.

Mr. Dawley stated there has not been any discussion about wayfinding for this park. He added these are valid points that should be considered. The private drive and path to the outlot are encompassed in easements to the City for drainage and utilities. He noted reference to the public space should be included in the developer's agreement, allowing for access for maintenance and drainage purposes, but also for public recreation.

City Council Liaison Sonnek stated the Parks & Recreation Commission should be made aware of the open space as it will be public property for public use. He added a sign should be added that indicates the area is open to the public, just to make it clear.

Commissioner Monge agreed, as it may seem as though the space is part of the development and only available for use by the residents of the development.

Mr. Dawley stated how the park will be dedicated to the City is unknown at this time. He reiterated that access should be clarified in the developer's agreement.

City Council Liaison Sonnek stated exceptions that were added to R-2 zoning requirements may affect this site plan. He added lot size area and density were added as exceptions.

Ms. Perdu stated the zoning requirements have not yet been modified, so this development is being reviewed against current standards. She agreed the density is on the low end of what is recommended in the Comprehensive Plan, and the site layout meets the intent of the Ordinance.

City Council Liaison Sonnek expressed concern about setback allowances in corner and side yards as shown on the site plan. He added they appear to be 9-14 feet, where 25 feet is required. Ms. Perdu stated the setbacks do not include common areas that are being dedicated, and setbacks are measured from the smaller lots, which is why setbacks are reduced. She added setback measurements to the houses to the east have not been received from the developer, but she believes the rear yard setback is 17 feet. She noted setbacks are measured from the property line, but there is the additional area of open space.

City Council Liaison Sonnek asked what the setbacks will be compared to homes across Delaware Avenue to the east. Ms. Perdu agreed to pull that information up on the screen.

Commissioner Monge asked whether there will be a fence delineating the open space and defining property lines. Ms. Perdu stated that is one of the conditions, that the pathway be screened with fence or landscaping extending to the length of the park.

Chair Barton stated, on page 6 of the staff report, related to lot coverage, the requirement in the R2 district is 50%, and not 40% as listed in the Table 4. Ms. Perdu agreed to verify that.

Chair Barton stated the other two units on Delaware Avenue fall below front and sideyard setbacks fall below the requirement. Ms. Perdu confirmed this.

Ms. Perdu stated setbacks vary, so additional right of way will be dedicated along with this plat, with a range from 25 feet – 30 feet. She added some are tight to the right of way, which is fairly large.

Chair Barton opened the public hearing at 7:20 p.m.

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There were no comments.

Chair Barton closed public hearing at 7:22 p.m.

Chair Barton stated condition #6 related to access should be amended to clarify that it is not just for service vehicles but also for pedestrian access to the open space. Ms. Perdu agreed. Mr. Dawley recommended that a statement be included that legally defines “public access”.

Chair Barton stated it will be necessary to see whether the access path will affect impervious surface percentages, before this is reviewed by the City Council.

Mr. Dawley stated the path will not have an effect on impervious surface requirements, but it will need to be included in the stormwater management plan.

Chair Barton stated condition #8 in the staff report relates to screening for HVAC and other proposed equipment or service areas. She added that language should be added to the condition. Ms. Perdu agreed.

Chair Barton asked whether the condition related to setbacks relate to the lots that have their rear yard facing 17th Avenue. Ms. Perdu confirmed this, adding information was received tonight from the developer that they are intending to use different elevations on those units.

Chair Barton requested that condition #9 be changed to read “variation in façade/elevation design”. Ms. Perdu agreed.

Barton requested input from Commissioners.

Commissioner Monge stated he is looking forward to the development. He added he drives on 17th Avenue every day, and he looks forward to having some beautiful new homes instead of empty lots.

Commissioner Stahlmann stated he likes the plan, and he is looking forward to it as well.

Commissioner Worm asked what will happen when someone drives down the private road to get to the park. Chair Barton stated that is related to the issue of park access via the private road, which City Staff and the developer will need to review.

Commissioner Monge asked whether there will be street parking, and signage. He added there will be on-street parking on 17th Avenue and Delaware Avenue.

Mr. Bruggeman stated a sign can be placed at the head of the trail, stating it is “Delaware Park”, and no motorized vehicles are allowed. He added there will be street parking on the north side of the private road, but only for residents and their guests.

Mr. Dawley confirmed there will be street parking on one side of the roadway where it is 28 feet wide.

Commissioner Monge requested clarification about the open space, and whether it is a passive park. Ms. Perdu stated that is up for discussion and will be reviewed by the Parks & Recreation

Commission. Chair Barton stated it would be a small passive park that will not draw a lot of people.

Mr. Bruggeman stated he believes it was set up to be a passive park.

Commissioner Worm asked whether trees will be planted. Ms. Perdu stated it will be a City park, so the City will have control of the area and will be able to plant trees.

Commissioner Worm stated he really likes the layout of the development. He added he is looking forward to seeing the finished product, which will add a lot to the neighborhood.

Ms. Perdu stated Chair Barton was correct that lot coverage in the R2 district is 50%, so not every lot in the proposed development exceeds the standard.

City Council Liaison Sonnek stated the proposed elevations look good, and the design will be nice in the neighborhood.

Ms. Perdu stated condition #6 can be revised to ensure that the parkway is defined in the conveyance documents and/or development agreement as open for bikes and pedestrian access to open space.

Ms. Perdu stated condition #9 will be changed to read “variation in elevation or façade design” rather than variation in setbacks.

Chair Barton requested that condition #8 be changed to language related to service area.

Motion by Commissioner Monge, and seconded by Commissioner Worm, with all present voting aye (4-0). Motion carried to recommend City Council approval with conditions for Preliminary and Final Planned Unit Development for development of 12 townhouse units at 2239 17th Avenue E.

Motion by Commissioner Worm, and seconded by Commissioner Monge, with all present voting aye (4-0). Motion carried to recommend City Council approval with conditions for Preliminary and Final Plat for development of 12 townhouse units at 2239 17th Avenue E.

Chair Barton stated this application will be reviewed by the City Council at their August 18, 2020 meeting.

Mr. Bruggeman thanked the Planning Commission for their time, adding he appreciates their input.

VII. COMMISSION BUSINESS ACTION ITEMS & RECOMMENDATIONS

-None.

VIII. OLD BUSINESS

-None.

IX. REPORTS FROM STAFF

-None.

X. REPORTS FROM COMMISSIONERS

City Council Liaison Sonnek stated there is a lot of construction and development going on around town, in the downtown area and in the Anchor North development. He added the City Council is getting into budget discussions. He noted 8 residents have filed for candidacy for 2 City Council seats.

Commissioner Worm requested that the Planning Commission receive a regular update on applications and projects that were approved in the past.

Chair Barton stated there will be an Open House at the new Veteran's Home across from Veteran's Park on Saturday August 15, 2020. She added details about Saturday's events can be found on the City's website.

City Council Liaison Sonnek stated the 5-year anniversary of Veteran's Park will also be celebrated that day at Veteran's Park. He added the new Veteran's home looks great.

Chair Barton encouraged people to sign up on the City website to get weekly email notices from City Communications Staff.

Chair Barton stated the Planning Commission's next meeting is scheduled for September 3, 2020.

X. ADJOURNMENT

There being no further business, motion to adjourn by Commissioner Worm, and seconded by Commissioner Monge, with all present voting aye (4-0). Motion carried to adjourn the meeting at 7:55 p.m.

The next regularly scheduled Planning Commission Meeting is Thursday, September 3, 2020 at 6:15 p.m.

Members, please notify any planned absences to: Olivia Boerschinger
Planning Commission Secretary
651-747-2400
Olivia.boerschinger@northstpaul.org

**Agenda Information Memorandum
North St. Paul Planning Commission
September 3, 2020**

VIII. REPORTS FROM STAFF

A. 2020 Zoning Updates Discussion

ACTION TO BE CONSIDERED

Provide feedback that will be used to draft updated commercial and recreational vehicle parking requirements. Additionally, provide feedback on updates to the proposed Planned Unit Development Ordinance and finalized updates regarding housing policies

FACTS

This memo provides background information and recommendations on the following:

- Parking of Commercial and Recreational Vehicles.
- Additional updates related to housing policies based on the August Discussion
 - Townhouses
 - Two-Family Dwellings
 - Accessory Dwelling Units (ADUs)
- Additional Updates to the Proposed Planned Unit Development Provisions based on the August Discussion.
- Points of discussion are marked in this memo and will be reviewed at the meeting.

Commercial and Recreational Vehicle Parking Ordinance

To help get your ideas and feedback, staff has prepared the attached parking worksheet regarding Commercial and Recreational vehicle parking. Please provide your responses and send them to me via email prior to the meeting (eperdu@wsbeng.com). At the meeting we will discuss the results of the worksheet activity and general directions/priorities moving forward.

Planned Unit Development Ordinance:

Based on the August discussion, staff made additional changes to the Planned Unit Development Ordinance. Attached are draft change which include:

- Additional language guiding the size/type of projects that are eligible for consideration as a PUD (based on number of structures, mix of uses, not parcel size)
- Updated numbering of sections
- Added language to the allowed parking reduction for complementary uses to include provisions for shared-use, transit proximity, and resident car-ownership characteristics.
- Added Review Criteria K: "Whether the proposed PUD is consistent with the purpose and objects of in (C) (1 and 2) herein."

- Added provision to encourage neighborhood meetings.
- Revised the minor administrative change section for clarity.
- Addressed 8(d) and (c).

Housing Policy Updates:

The following updates have been made based on our August meeting discussion

Townhouses

- Clarification that HVAC units are to be screened “as viewed from public and private streets, or internal circulation driveways in developments with multiple buildings”
- Added prohibition on “Trees shall not be planted in drainage and utility easements.”
- Addition of “per unit” to Minimum Livable Floor Space heading in Table 5

Two-Family Dwellings

- Addressed drafting error regarding garage doors.

Accessory Dwelling Units

- Left the 10-foot setback requirements as is.
- Reviewed Lot Coverage and Accessory Structure Size requirements:
 - The current Ordinance requires a 5,000 sf lot to be eligible for an ADU
 - Lot Coverage: 40% in R-1; 50% in R-2 & R-3
 - Accessory Structure Size:
 - (a) Size. The total square feet of an accessory building shall not exceed 10% of the lot area, and in no case shall it exceed 1,000 square feet of gross floor area. The sum of all square footage for attached garages and detached garages shall not equal or exceed the finished livable floor area of the footprint (ground floor) of the principal structure to which it is an accessory.
 - With a hypothetical 5,000 sf lot: The owner would be limited to 500 sf in accessory building. This size could work since the minimum ADU size is 300 sf. 500 sf would be 25% of the allowable impervious area leaving 1,500 sf from the principal dwelling, driveway, and walkways, which seems reasonable.
- Added “No accessory dwelling unit shall be located on an R-1 zoned lot containing a two-family dwelling.”
- Changed references from “single-family” dwelling to “principal dwelling”
- Changed parking table to reflect 1 stall maximum.
- Added Section (i) for home occupations: “Type I home occupations are allowed within an accessory dwelling unit, subject to existing general provisions, provided the home occupation is incidental and secondary to the Accessory Dwelling unit. The home occupation within the ADU shall not be in addition to more than one home occupation within the principal dwelling. Type II home occupations are not allowed within accessory dwelling units.”
- Clarified that the ADU must have a paved route from entryway to a street.

- **Point of discussion:** should ADUs be required to have a separate (accessible from the outside) entrance? OR should they be allowed to share internal corridors/passageways?
- **Point of discussion:** Additional Appearance standards?

Parking in Residential Areas: What is Allowed Where?

Directions: Using the categories below, please fill in the 6 boxes at the bottom to provide guidance on what vehicle type and equipment should be permitted and prohibited to park in each of the locations in a residential area on a long-term basis.

Small/Medium Vehicle & Equipment



Pickup
Truck



Cargo/Utility
Van



Trailer

Large-Sized Vehicle



Step Van



Box/Delivery
Truck

Recreational



RV Camper



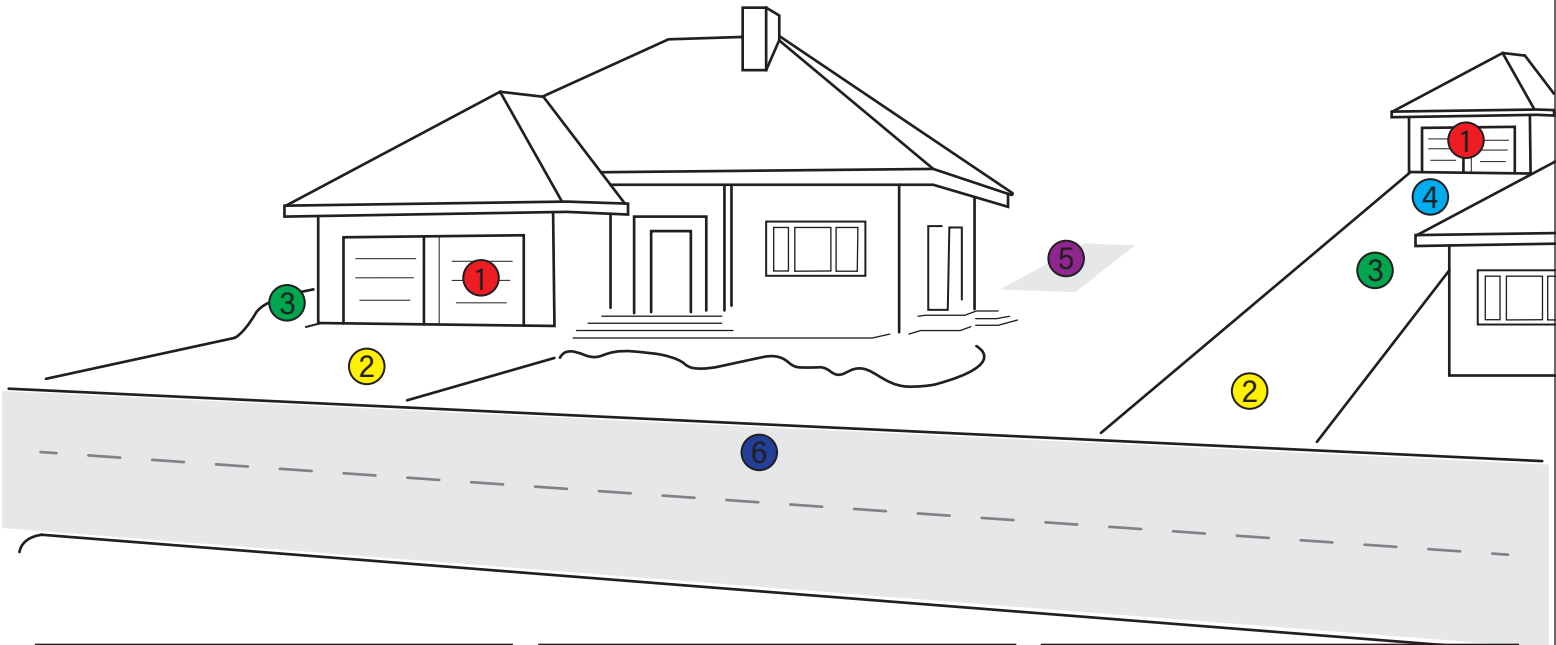
RV Trailer



Trailer



Trailer with
Boat



1

Garage

Prohibited:

2

Driveway (between street and house)

Prohibited:

3

Driveway (side of house/garage)

Prohibited:

4

Driveway (behind house)

Prohibited:

5

Rear Yard

Prohibited:

6

Street

Prohibited:

QUESTION: Commercial Vehicle Characteristics

Which of the following items puts a vehicle in the "commercial" vehicle category? Select all that apply.

- ☐ Sign displayed on vehicle
- ☐ Trailer attached to vehicle
- ☐ Equipment storage (i.e. ladders attached to top)
- ☐ Size and/or weight
- ☐ Other: _____

COMMENTS: Please leave any additional comments below.

VEHICLE & TRAILER EXAMPLES (Non-Recreational)

Small/Medium-Sized Vehicle Pickup Truck 	Trailer 
Cargo/Utility Van 	Large-Sized Vehicle Box/Delivery Truck  Step Van 

Planned Unit Development Changes

Zoning District Table

Residential Districts	District Name	Purpose
R-1	Single Family Residential	Low Density Residential
R-2	Mixed Residential	Medium Density Residential
R-3	Multiple Family Residential	High Density Residential
Mixed-Use Districts		
MU-1	Downtown Mixed-Use	Small-scale mixed-use
MU-2	Transitional Mixed-Use	Medium-scale mixed-use
MU-3	Corridor Mixed-Use	Higher intensity mixed-use and smaller-scale industrial
Overlay Districts		
D-1	Downtown District Overlay	Dense residential on edges, compressed downtown core
S-1	Shoreland Overlay	Protect the quality of surface waters
Special Districts		
LID	Low-Impact Development	Conservations, open space, sustainability
PUD	Planned Unit Development	Integrated, coordinated development <u>that provides public benefits in exchange for ordinance flexibility</u>
Floodplain Districts		
F-1	Floodway District	Provides additional floodplain regulations
F-2	Flood Fringe District	Provides additional floodplain regulations
F-3	General Floodplain District	Provides additional floodplain regulations
F-4	Flood Storage District	Provides additional floodplain regulations

–(C)–Planned Unit Development District (PUD).

1. Purpose. Planned Unit Developments (or PUDs) are allowed to encourage innovation in project design that cannot be achieved through traditional zoning. More specifically, This district is established to:
 - (a) Provide for development as an integrated, coordinated unit as opposed to a traditional parcel-by-parcel, approach to development.
 - (b) Introduce flexibility of site design and architecture for the conservation of land and open space through clustering of buildings and activities.
 - (c) ~~Planned unit developments (PUD's) are to b~~Enable development that is e characterized by central management, integrated planning and architecture, joint or common use of parking, maintenance of open space and other similar facilities, and a harmonious selection and efficient distribution of uses.
 - (d) Provide flexibility from ordinance requirements and joint planning between the city and developer to protect other features such as existing development, planned streets, vegetation, slopes, wetlands, lakes or streams.
 - (e) Permit and promote greater flexibility to allow more creativity and imaginative design, and to pPromote more efficient uses of the land while preserving existing landscape amenities and allowing harmonious development consistent with the Comprehensive Plan and preserving the health, safety and general welfare of the community.
2. Objectives. ~~The PUD#~~ is intended to encourage the efficient use of land and resources, to promote greater efficiency in public utility services and encourage innovation in the planning and building of all types of development. Public benefits to be derived as a result of the PUD include, but are not limited to:
 - ~~(a) Permit and promote greater flexibility to allow more creativity and imaginative design, and to promote more efficient uses of the land while preserving existing landscape amenities and allowing harmonious development consistent with the Comprehensive Plan and preserving the health, safety and general welfare of the community.~~
 - (a) Harmonious mix of land uses, building types, open spaces, and circulation elements
 - (b) Ensure cConcentration of open space into more usable areas, and the
 - (b)(c) pPreservation of the natural resources of the site including wetlands, woodlands, steep slopes and scenic areas.
 - (e)(d) Facilitate the economical provision of streets and public utilities.
 - (d)(e) Encourage the pPreservation and enhance ment of historic and natural resources ~~while creating a positive environment with special development features.~~
 - (e)(f) Allow more than one principal building on a lot.

- ~~(f)~~(g) Allow for a Provision of a mixture of residential unit types and densities in an integrated and well-planned area, ~~and provide for creating~~ a variety of housing types, consistent with the city's housing goals.
- ~~(g)~~(h) Promote energy conservation through the use of more efficient building designs, sites and clustering of land uses and buildings.
- ~~(h) Provide for mixed commercial and residential uses, where appropriate.~~
- ~~3. Types of permitted planned unit developments. The underlying zoning district shall be consistent with the Comprehensive Plan. PUD overlay districts may be one of the following:~~
- ~~— (a) Planned Residential District (PRD)~~
 - ~~— (b) Planned Commercial District (PCD)~~
 - ~~— (c) Planned Industrial District (PID)~~
 - ~~— (d) Planned Mixed Use District (PMD)~~
- ~~43.~~ General requirements and standards.
- ~~(a)~~ (a) Eligibility. A site is eligible for PUD designation only if it meets at least one of the following:
1. has two or more principal uses or structures on a single parcel of land; this may include a mixture of townhouses, apartment projects involving more than one building, detached residential structures, or non-residential buildings
 2. multi-use structures such as commercial uses in industrial-type developments, mixed residential and commercial developments, and more than one principal use in a single building
- (b) Ownership. An application for PUD approval must be filed by the landowner or jointly by all landowners of the property included in a project. The application and all submissions must be directed to the development of the property as a unified whole. In the case of multiple ownership, the approval of the final plat shall be binding on all owners. In absence of an ownership application, the project developer may submit with the development application the written consent of all property owners within the proposed PUD. The financial commitments incurred through any portion of the development shall be the responsibility of the owner.
- ~~(b)~~ (c) Consistency with Comprehensive Plan. The proposed PUD shall be consistent with the Comprehensive Plan.
- ~~(d)~~ (e) Permitted uses. All permitted, conditional, and interim uses contained in the underlying zoning district shall be treated as permitted, conditional, and interim uses in the PUD Overlay District.
- ~~(e)~~ (f) Flexibility from Ordinance Requirements. The city may, but shall not be required to, provide concessions in setbacks, density, lot size, street width or parking to achieve the purpose and objectives of the PUD in (C) (1 and 2) herein.

—(ed) —Density. In a PUD, the City may permit increased density beyond the maximums provided in Table 4, if certain public benefits are achieved. shall be permitted to encourage the preservation of natural topography and geological features. The city may, but shall not be required to, provide concessions in setbacks, density, or lot size to protect waterways or water bodies, steep slopes or other areas which would normally not be developable. The City will consider allowing an increase in the allowable density upon proof by the applicant that some of the following ~~features~~ are being provided as part of the proposed development:

—i.— ~~Increased P~~preservation of natural site features, topography, geological features, wetlands, lowlands, wooded areas, and the like, beyond what is required protected by the Minnesota Department of Natural Resources, by the City and/or Ramsey County ordinances.

—ii.— Creation of conservation easements due to steep slopes, wooded areas and/or environmentally sensitive areas, as identified in the Comprehensive Plan.

—iii.— Creation of park/public areas for active and passive park uses beyond required standards or other public purposes such as schools, public buildings, greenways, and the like which meet the intent of the Park and Recreation goals of the Comprehensive Plan and are consistent with the public dedication requirements for the proposed development.

—iv.— Installation of public improvements designed to serve areas beyond the project boundary.

—v.— ~~The city may consider increased density for h~~ousing projects which provide affordable housing options, consistent with the Comprehensive Plan.

—(ef) — ~~Minimum lot size~~Development Density. The minimum lot size requirements of other sections of this chapter do not apply to a PUD except that the minimum lot size requirements of the underlying zone shall serve as a guideline to determine the maximum dwelling unit density of a total development. The maximum dwelling unit density shall be determined by the area remaining after appropriate space for street right-of-ways and any other public dedications have been determined and subtracted from the total PUD area. If the property involved in the PUD includes land in more than one zoning district, the number of dwelling units or the square footage of commercial, residential or industrial uses in the PUD shall be proportional to the amount that would be allowed separately on the parcels located in each of the underlying zoning districts or as guided by the Comprehensive plan. In the Shoreland Overlay District total development density shall be that of the underlying zone.

(fg) —Relationship of PUD site to adjacent areas. The design of a PUD shall take into account the relationship of the site to the surrounding areas. The perimeter of the PUD shall be so designed as to minimize undesirable impact of the PUD on

adjacent properties and, conversely, to minimize undesirable impact of adjacent land use and development characteristics on the PUD.

- (gh)—Utility requirements. Utilities, including telephone and electrical systems, installed within a PUD shall be placed underground. Utility appurtenances which can be effectively screened may be exempt from this requirement if the city finds that such exemption will be consistent with the objective of this section and the character of the proposed PUD.
- (hi)—Parking. Off-street parking and loading space shall be provided in each PUD in the same ratios for types of buildings and uses as required in the underlying zoning district unless the developer can demonstrate, to the City's satisfaction, that a lesser standard should be permitted on the grounds of one or more of the following:
 - i. The complementarity of peak parking demands by the uses within the PUD. The City may require execution of a restrictive covenant limiting future use of the property to those uses which will continue this parking complementarity, or which are otherwise approved by the City.
 - ii. Shared parking- provided through a nonexclusive agreement with the owners of property located within 600 feet of the use if the parking demands of the uses do not coincide.
 - iii. Proximity to mass transit. A 10% reduction may be awarded if building entrances are located within 300 feet of a transit stop. An additional reduction may be granted if an adequate sheltered transit stop within the development is provided.
 - iv. Car-ownership characteristics of the anticipated or targeted residential population.
- (ij)—Street width. Requirements outlined in the subdivision ordinance for street widths may be relaxed depending on the number of off-street parking locations and the anticipated density in the planned unit development. The Planning Commission, City Engineer and city's Emergency Services (Fire, Ambulance and Police) shall review each planned unit development to determine street width requirements.
- (jk)—Landscaping. In any PUD, the developer shall prepare and submit a landscaping plan as a part of the Final Plan, which shall include a detailed planting list with sizes and species indicated to be approved by the City Council. In assessing the landscaping plan, the City Council shall consider the natural features of the particular site, the architectural characteristics of the proposed structures and the overall scheme of the PUD plan.

- (k)—Public services. The proposed project shall be served by the city water and sewer system and fire hydrants shall be installed at such locations as required by the City Engineer or the Fire Chief to provide fire protection.
- (m)—Building height. Height limitations shall be the same as imposed in the ~~respective underlying~~ zoning districts.
- (n)—Development agreement. Prior to the issuance of a building permit as part of the PUD, the permit applicant, builder, or developer shall execute and deliver to the City Council a development agreement for the PUD.
- (o)—Open space. Common open space shall be either held in common ownership by all owners in the PUD or dedicated for public use with approval of the City Council. Whenever possible, common open space shall be linked to the open space areas of adjoining developments. Common open space shall be of such size, shape, character, and locations as to be useable for its proposed purpose.
- 54.—Operating and maintenance requirements for PUD common open space and service facilities.
 - (a) Whenever common open space or service facilities are provided within the PUD, the PUD plan shall contain provisions to assure the continued operation and maintenance of such open space and service facilities to a predetermined reasonable standard.
 - (b) Common open space and service facilities within a PUD shall be placed under the ownership of one or more of the following or may include a method deemed most appropriate by the City Council.
 - i. Landlord control, where only use by tenants is anticipated.
 - ii. Property owners association, provided all of the following conditions are met:
 - A. Prior to the use, occupancy, sale or the execution of contracts for sale of an individual building unit, parcel, tract, townhouse, apartment, or common area, a declaration of covenants, conditions and restrictions or an equivalent document as specified in M.S. § 515.00, as may be amended from time to time, shall be filed with the Zoning Administrator prior to the filings of the declaration of documents or floor plans with the Ramsey County's Recorder's Office.
 - B. The declaration of covenants, conditions and restrictions or equivalent document shall specify that deeds, leases or documents of conveyance affecting buildings, units, parcels, tracts, townhouses or apartments shall subject the properties to the terms of the declaration.
 - C. The declaration of covenants, conditions and restrictions shall provide that an owner's association or corporation may be formed, and if such

an association or corporation is formed property owners must be members of the association or corporation which shall maintain all properties and common areas in good repair and which shall assess individual property owners proportionate shares of joint or common costs. This declaration shall be subject to the review and approval of the City Attorney. The intent of this requirement is to protect the property values of the individual owner through establishing effective private control.

- D. The declaration shall additionally, amongst other things, provide that in the event the association or corporation fails to maintain properties in accordance with the applicable rules and regulations of the city, or fails to pay taxes or assessments on properties as they become due, and in the event the city incurs any expenses not immediately reimbursed by the association or corporation, then the city shall have the right to assess each property its pro rata share of the expenses. Such assessments, together with interest thereon and costs of collection, shall be a lien on each property against which such assessment is made.
- E. Membership in the association must be mandatory for each owner and any successive buyer and the association must be responsible for liability insurance, taxes, and the maintenance of the open space facilities to be deeded to it. This requirement may be waived by the City Council for existing units which are being incorporated into a PUD.
- F. The open space restrictions must be permanent and not for a given period of years.
- G. Property owners must pay their pro rata share of the cost of the association by means of an assessment to be levied by the association which meets the requirements for becoming a lien on the property in accordance with state law and the association must be able to adjust the assessment to meet changing needs.
- H. The by-laws and rules of the association and all covenants and restrictions to be recorded must be approved by the City Council prior to the approval of the final PUD plan. If a final PUD plan is filed in one phase, with staged final plats, the bylaws, rules of the association and all covenants and restrictions may be filed with the final plat.
- I. Staging of common open space. The construction and provision of all of the common open space and public improvements and recreational facilities that are shown on the final development plan for a PUD must proceed at the same rate as the construction of dwelling units or other private facilities.

—65.— PUD process.

- (a)—Pre-application meeting. ~~Upon filing of an application for a PUD, the~~ Applicant of ~~the~~ proposed PUD ~~shall be encouraged to~~ arrange for and attend an informational meeting with city staff. At such conference, the

applicant shall be prepared to generally describe their proposal for a PUD. The primary purpose of the meeting shall be to provide the applicant with an opportunity to gather information and obtain guidance as to the general suitability of the conformity to the provisions of this Code before incurring substantial expense in the preparation of detailed plans, surveys, and other data.

- (b) Concept PUD plan. At their option, owners of property in the PUD District may, at their option, Prior to Preliminary PUD application, owners of property in the PUD District may at their option prepare, development sketch plans for review by the city development sketch plans. As far as may be practicable on the basis of a sketch plan, the city will informally advise the owner as promptly as possible of the extent to which the proposed plan conforms to the design standards of this section and discuss possible plan modifications necessary to secure conformance. The sketch may be reviewed, where applicable, by the Planning Commission and the Council. Such sketch plans submitted shall be for informal discussion between the developer and the city. Submission of sketch plan shall not constitute formal filing of an application.
- (c) Recommended Neighborhood Meeting. The applicant is strongly encouraged to hold a neighborhood meeting. Property owners within 500 feet of the PUD, or a larger area as determined by the City, should be given notice of the meeting. The purpose of the meeting is to inform the neighborhood of the proposal, discuss the concepts and basis for the plan being developed, and to obtain information and suggestions from the neighborhood.

—(b) —Preliminary PUD plan.—~~process:~~

- i. The developer/owner shall submit an application for subdivision or preliminary PUD plan at least 30 days prior to the Planning Commission meeting.
- ii. The Zoning Administrator shall review the preliminary application and distribute to appropriate staff and consultants for review. The Zoning Administrator shall post notice of a public hearing and forward all comments, along with the application, to the Planning Commission.
- iii. The Planning Commission shall conduct a public hearing, following published notice and mailed notice to property owners within 350 feet of the proposed PUD. Notice shall occur not less than ten or more than 30 days prior to the hearing. Failure of a property owner to receive notice shall not invalidate the process. The Planning Commission shall review the preliminary PUD plan and submit a written report and recommendation to the City Council. If the Planning Commission fails to make a report within 30 days after receipt of the application, the City Council may proceed without the report. Such report shall contain the findings and recommendations of the Planning Commission with respect to the conformity of the preliminary PUD plan to the approved general concept

~~plan, with respect to the merit or lack of merit of any departure of the preliminary PUD plan from substantial conformity with the general concept plan, and~~ with respect to the compliance of the preliminary PUD plan with the provisions of this Code and all other applicable federal, state, and local codes and ordinances, and the Comprehensive Plan or other relevant plans.

- iv. Within 60 days of the receipt of a complete application, the City Council ~~will~~ may take action to grant approval, grant conditional approval, or deny approval of the plan. The City may extend the review period by up to 60 days if it provides the applicant written notice of and reasons for the extension before the end of the initial 60 days
- v. Upon City Council approval, the City Attorney shall draft a PUD development agreement which stipulates the specific terms and conditions established and approved by the City Council and accepted by the applicant. This agreement shall be signed by the Mayor, City Manager, and the applicant.
- vi. Where the preliminary PUD plan is denied approval, City Council action shall be by resolution setting forth the reasons for its actions. A certified copy of the document evidencing said City Council action shall be delivered to the applicant.
- ~~vi.~~ Limitation on preliminary PUD Plan approval. Unless a final plan covering the area designated in the first stage of the preliminary PUD plan has been filed within six months from the date the City Council grants preliminary PUD plan approval, or in any case where the applicant fails to file final plans and to proceed with development in accordance with the provisions of this section and/or an approved preliminary PUD plan, the approval shall expire. The City Council may, at its discretion, extend for not more than one additional period of six months the filing deadline for any final plan when, for good cause, such extension is necessary. In any case where the preliminary PUD plan approval expires, the City Council shall forthwith adopt a resolution repealing the general concept plan approval and the preliminary PUD plan approval for that portion of the PUD that has not received final plan approval, and re-establish the zoning and other ordinance provisions that would otherwise be applicable.
- vii.
- viii. Review and evaluation criteria. The evaluation of the proposed preliminary PUD plan shall include, but not be limited to, the following criteria:
 - A. Adequate property control is provided to protect the individual owner's rights and property values and the public responsibility for maintenance and upkeep.
 - B. The interior circulation plan plus access from and onto public rights-of-way does not create congestion or dangers and is adequate for the safety of the project resident and the general public.
 - C. A sufficient amount of usable open space is provided.

- D. The arrangement of buildings, structures, and accessory uses does not unreasonably disturb the privacy or property values of the surrounding residential uses.
- E. The architectural design of the project is visually compatible with the surrounding area. Architectural style or type of buildings shall not solely be a basis for denial or approval of the preliminary PUD plan. However, the overall appearance and compatibility of individual buildings to other site elements of surrounding development will be given primary consideration in the review stages of the Planning Commission and City Council.
- F. The drainage and utility system plans are submitted to the City Engineer and shall be subject to approval of the City Engineer.
- G. The development schedule insures a logical development of the site which will protect the public interest and conserve land.
- H. Proposed unit and accessory use requirements are in compliance with the district provisions in which the development is planned.
- J. ~~I.~~ The Preliminary PUD is consistent with the goals and objectives of the Comprehensive plan and any applicable plan.
- ~~J.~~ K. Whether the proposed PUD is consistent with the purpose and objectives of (C) (1 and 2) herein.

~~(ee)~~ Final PUD plan process. The final plan is to serve as a complete, thorough and permanent public record of the PUD and the manner in which it is to be developed. It shall incorporate all prior approved plans and all approved modifications thereof resulting from the PUD process. It shall serve in conjunction with other city ordinances as the land use regulation applicable to the PUD.

~~i.~~ Submission of the final plan. Upon approval of the preliminary PUD plan, the applicant shall file with the Zoning Administrator a final plan consisting of the information and submissions required by the final plan stage, for the entire PUD or for one or more stages. The final plan is intended only to add detail to, and to put in final form, the information contained in the general concept plan and the preliminary PUD plan which shall conform to the preliminary PUD plan in all respects. A final plan of a single-phase proposed development or a portion of the a multiple phase proposed development may be submitted simultaneously with the overall preliminary plan for purposes of expediting the review process.

~~i.~~

~~ii.~~

~~iii.~~ ii. Review and approval of final plan. The Zoning Administrator shall forward comments of staff and consultants to the Planning Commission, who shall prepare a recommendation for the City Council. No public hearing shall be

required for approval of the final plan. The City Council may approve the PUD final plan with a majority vote.

- ~~iv.~~ Recording of final plat and PUD agreement. Within ~~30~~180 days of the Zoning Administrator's notice of approval, the applicant shall record the final plat and PUD agreement, or such portions thereof as are appropriate, with the Office of the Ramsey County Recorder.

~~v.~~

~~iii.~~

- ~~vi.~~iv. Building and other permits. No building permit shall be granted on land for which a plan for a PUD is in the process of review or which does not conform to the approved final plan. Upon receiving notice from the Zoning Administrator that the approved final plat and agreement has been recorded and upon appropriate application of the applicant, building and other permits may be issued to the applicant if the following conditions are met:

- A. Public open space, if applicable, has been deeded to the city and officially recorded.
- B. A development agreement has been approved and executed by all parties.
- C. The homeowner's association (if applicable) by-laws, covenants and deed restrictions have been approved by the City Attorney and officially recorded.
- D. The construction plans for proposed structures have been approved by the Building Official.
- E. All detailed site plans have been approved by the Zoning Administrator.

- v. Limitation of final plan approval. Within one year after the approval of a final plan for PUD, or such shorter time as may be established by the appropriate development schedule, construction shall commence in accordance with such approved plan. Failure to commence construction within such period shall, unless an extension has been granted as hereinafter provided, automatically renders void the PUD permit and all approvals of the PUD plan. The area encompassed within the PUD shall thereafter be subject to those provisions of the zoning ordinances and other ordinances applicable in the district in which it is located. In such case, the City Council shall forthwith adopt a resolution repealing the PUD permit and PUD approvals and re-establishing the zoning and other ordinance provisions that would otherwise be applicable.

~~76.~~ PUD data requirements.

(a) ~~Pre-application c~~Concept PUD plan. Prior to ~~the initiation of a zoning change~~Preliminary PUD application, owners of property in the PUD District are invited to prepare, for review by the city, development sketch plans. Items to be supplied by the applicant ~~for the pre-application meeting~~ include:

- i. Overall maximum PUD density range.
- ii. Proposed general development and use.
- iii. General location of major streets, pedestrian walkways adjacent to the tract, and scale and tract boundaries and north point.
- iv. General location and extent of public and/or common open space, areas to be preserved, significant topographical and physical features.
- v. Sketch illustrating the general location of residential and non-residential land uses with approximate intensities of development and any zoning change requested.
- vi. Staging and timetable of development.
- vii. Other special criteria for development.

~~viii. Such sketch plans submitted shall be for informal discussion between the developer and the city. Submission of sketch plan shall not constitute formal filing of an application.~~

~~ix. As far as may be practicable on the basis of a sketch plan, the city will informally advise the owner as promptly as possible of the extent to which the proposed plan conforms to the design standards of this section and discuss possible plan modifications necessary to secure conformance. The sketch may be reviewed, where applicable, by the Planning Commission and the Council.~~

~~x. The proposed use(s) must be consistent with the Comprehensive Plan.~~

~~xi. All proposals shall include a PUD plan for the site.~~

(b) Preliminary PUD plan. An application for approval of a preliminary PUD plan shall be filed with the Zoning Administrator by the owner(s) of title of property for which the PUD is proposed. A filing fee, as established from time to time by City Council ordinance, shall accompany the preliminary PUD application. The application and accompanying statements shall be submitted and shall include:

- i. A vicinity map at a scale approved by the Zoning Administrator showing property lines, streets, easements, existing zoning, graphic scale, north point, date of preparation, and such other items as the Planning Commission may require to show the relationship of the proposed PUD to the Comprehensive Plan of the city, to existing schools and other community facilities and services, and to the surrounding area.

- ii. Abstractor's certified copy property certificate providing names and addresses of property owners within 350 feet of the outer boundaries of the property (one copy).

- iii. The legal description of the property and lot size.

- iv. Boundary survey prepared by a registered surveyor, including the property and 200 beyond, which illustrates:

- A. Existing property lines and dimensions.
- B. Ownership of all parcels.
- C. Platting and easements.
- D. Street and railroad right-of-ways.
- E. Buildings.
- F. Utility lines and facilities.
- G. Public park and open space.

- H. Private land use, subdivisions, and private property.
- v. Natural features map(s) illustrating:
 - A. Contour lines at no more than two foot intervals.
 - B. Steep slopes of 18% or more.
 - C. Hydraulic information including drainage patterns, delineated wetlands and land subject to periodic flooding, floodplain, watercourses.
 - D. Soil and subsoil conditions.
 - E. Vegetation including classification of tree cover by species.
- vi. A preliminary plan of the entire area in such detail as to show the land uses being requested, the densities being proposed, the proposed lots and blocks and the off-street parking system or preliminary plat, if applicable.
- vii. A written statement explaining in detail, and with supporting documentation, the specifics of the development plan as it relates to the type of dwelling units proposed and the resulting population, the extent and nature of non-residential development and the resulting traffic generated and parking demands created.
- viii. The proposed schedule and/or phasing for the development of the site.
- ix. The location, shape, size, and character of public or private/common open space which is suitable for the PUD, in accordance with the City Code Chapter 153 requirements for park and open space dedication.
- x. The location and size of all utilities including telephone, electricity, gas, cable, water, sanitary sewer and storm sewer.
- xi. Landscape plan including a detailed planting list.
- xii. Size and location of all street right-of-ways and proposed paved widths, and vehicular and pedestrian circulation, in conformance with the City Code Chapter 153.
- xiii. A statement setting forth the reasons why, in the opinion of the applicant, the PUD will be in the public interest and consistent with the objectives specified for PUD's.
- xiv. Financial capacity of the developer/owner and fiscal resources available including a FDIC insured letter of credit for 110% of the estimated cost of public improvements associated with the development.
- xv. Market area of the project and demand trends within the area.
- xvi. Other materials as requested by the Planning Commission or City Council.
- (c) Final plan data requirements. A final application and its supporting documentation shall give the same information as is required of plats under City Code Chapter 153 in addition to such other information as required by this chapter and by the Planning Commission as a condition for approval of the preliminary plan. In addition, the application shall be accompanied by such other documentation, such as:
 - i. The location, size, use and arrangement, including height in stories and feet, and total square feet of ground area coverage and floor area, for proposed building, and existing buildings which will remain, if any.

ii. The location, dimensions and number of all driveways, entrances, curb cuts, parking stalls, loading spaces, access alleys, and all other circulation elements including bicycle, pedestrian walkways, and the total site coverage of all circulation elements.

iii. Approximate area, and potential floor area, devoted to commercial or office uses.

iv. Approximate area, and potential floor area, devoted to industrial uses.

v. Schedule of construction. When the PUD is to be constructed in stages during a period of time extending beyond a single construction season (time period between road restrictions), a schedule for the development of such stages or units shall be submitted stating the approximate beginning and completion date for each stage or unit and the proportion of the total PUD public or common open space and dwelling units to be provided or constructed during each such stage, and the overall chronology of development to be followed from stage to stage.

vi. Care and maintenance of open spaces or service facilities. When the proposed PUD includes provisions for public or common open space or service facilities, a statement describing the provision that is to be made for the care and maintenance of such open space or service facilities shall be submitted. If it is proposed that such open space be owned, operated and/or maintained by any entity other than a governmental authority, copies of the proposed articles of incorporation and by-laws of such entity shall be submitted during the preliminary PUD plan stage.

vii. Where applicable, a preliminary and final plat prepared by a land surveyor, duly registered in the state, in accordance with M.S. § 505.00 and City Code Chapter 153, as may be amended from time to time, which shall contain a notarized certification by such surveyor that the plat represents a survey made by the surveyor and that the monuments shown herein exist as located, and all dimensions are correct, and a notarized certification by the owner or owners of the adoption of the plat and the dedication of streets and other public areas as required.

viii. Detailed utility and infrastructure construction plans, grading plan and drainage plan, approved by the City Engineer.

ix. A statement summarizing all changes which have been made to any document, plan data, or information previously submitted, together with revised copies of any such document, plan or data.

x. Such other and further information as the Zoning Administrator, City Engineer, Planning Commission or City Council shall find necessary to a full consideration of the entire proposed PUD or any stage thereof.

xi. Title opinion provided by the developer showing good and marketable title in the names of the owners of the property. This opinion, together with an updated abstract, should be submitted to the City Attorney for review.

xii. The Planning Commission may, by a written order, excuse any applicant from submitting any specific item of information required herein which it finds to be unnecessary to the consideration of the specific proposal for PUD approval.

78. Amendments and administration.

(a) Generally. Amendments may be made in the approved final plan when they have shown to be required by changes in conditions that have occurred since the final plan was approved or by changes in the development policy of the city.

(b) Minor changes ~~in location, siting, design, and height of buildings and structures~~ may be authorized by the Zoning Administrator if requested, and if caused by unforeseen circumstances and if they are consistent with the intent and purpose of the final plan and do not increase the size of any building or structure any more than 10% than originally proposed in the preliminary PUD plan. Minor changes are:

- i. Less than a ten (10) percent change in the approved separation of buildings or location in relation to streets or other property lines;
- ii. Change in the design of ten (10) percent or less of any building elevation;
- iii. Less than a ten (10) percent change in building height;
- iv. Modification to parking lot configuration provided no reduction in the number of stalls;
- v. Engineering details or stormwater functions that do not affect the layout of the site;
or
- ~~i-vi.~~ landscaping changes in plant type

(c) All other changes, including but not limited to use, rearrangement of lots, blocks and open space must be ~~authorized~~ reviewed and approved by the Planning Commission and City Council under procedures

outlined in the preliminary PUD plan, following a public hearing, with amendments to the recorded copy of the final plan, following Council approval. ~~It could leave questions later on that it wasn't listed in the ordinance.~~

(d) ~~Annual review.~~ Revocation ~~Revocation.~~ The Zoning Administrator shall review each PUD at least once each year and shall make a report through the Planning Commission to the City Council on the status of the development in each PUD Overlay District. If development is not progressing reasonably well, according to schedule, the owner shall be required to submit a statement to the Zoning Administrator setting forth the reasons for the lack of progress. If the City Council finds that the development has not occurred according to the establishing development schedule or is not otherwise reasonable in the view of the City Council, the City Council may revoke the PUD Overlay District ~~in any event.~~

Accessory Dwelling Units

DWELLING UNIT, ACCESSORY (ADU). Also known as a "granny flat," "mother-in-law apartment" or "carriage house" - is a self-contained living unit that can be located within the walls of an existing or newly constructed home, or that can be an addition to an existing home. It can also be a freestanding structure on the same lot as the main house or located within/attached to a detached garage.

§ 154.010 GENERAL REGULATIONS. (D) Supplemental regulations

2. Accessory dwelling unit.

(a) No more than one accessory dwelling unit may be located on a lot. No accessory dwelling unit shall be located on an R-1 zoned lot containing a two-family dwelling.

(b) The lot shall have a minimum area of 5,000 square feet.

(c) The lot shall have a minimum width of 60 feet equal to the underlying zoning district requirement.

(d) An attached accessory dwelling unit shall be part of the single-family principal dwelling on the same lot for the purpose of the bulk requirements of the district. Any secondary dwelling unit connected to the single-family principal dwelling is considered attached. An attached accessory dwelling unit must meet the following:

- (i) The associated single-family principal dwelling unit must continue to meet minimum floor area requirements
- (ii) Minimum size of the Accessory Dwelling unit shall be 300 square feet with a maximum size of 900 square feet

(e) A detached accessory dwelling unit shall be located only within a freestanding structure or above a detached garage of the single-family principal dwelling on the same lot. The detached accessory dwelling unit area must not exceed 900 square feet.

(f) A detached accessory dwelling unit shall be setback a minimum of ten feet from side and rear property lines or up to an easement line, but not on it whichever is greater.

~~(g) The height, lot area per dwelling unit, and usable open space requirements for detached accessory dwelling units shall be determined by the Zoning Administrator.~~

~~(h) The usable open space requirements for a detached accessory dwelling unit shall be 50% of the usable open space requirement in the district.~~

Commented [RK1]: Max is proposed to distinguish ADUs from two-family.

Min comes from Bloomington's Code

Commented [RK2]: [Erin Perdu](#) This seems to be inconsistent. Detached ADUs allowed in a garage or as proposed in a freestanding building. Garages and accessory structures are allowed up to 3 ft from side and rear.

It might make sense to require it further than 3 ft since there are occupants in the structure – thus maybe more impact?

From practical standpoint – if someone wanted to add an adu to a garage that's 3 feet from the rear, would staff just have to verify that the living quarters are 10 ft from the side or rear property lines? Or would staff have to deny the permit on the basis of non-conforming setbacks?

The easiest approach would be to eliminate these setbacks and let the underlying ones prevail.

Commented [RK3]: The open space requirement are not tied to Zoning districts, just uses. SF isn't listed among those uses.

—— (i) ~~The single family dwelling on the lot shall be owner occupied.~~

(~~kg~~) The entryway to the accessory dwelling unit shall be connected **by a paved route, to include driveways or sidewalks,** to a street frontage ~~with a paved walkway.~~

(~~lh~~) The accessory dwelling unit shall have a separate entrance from the ~~single-family~~ **principal** dwelling.

Commented [RK4]: Can they share internal passageways?

(i) Home Occupations. Type I home occupations are allowed within an accessory dwelling unit, subject to existing general provisions, provided the home occupation is incidental and secondary to the Accessory Dwelling unit. The home occupation within the ADU shall not be in addition to more than one home occupation within the principal dwelling. Type II home occupations are not allowed within accessory dwelling units.

§ 154.006 RESIDENTIAL ZONES. (C) Use, lot and design requirements. 1. Permitted, conditional and interim uses.

Table 3. Residential Use Districts

Accessory Uses and Structures	R-1	R-2	R-3	Supplemental Regulations
Accessory Dwelling Unit	PG	PG	PG	X

§ 154.010 GENERAL REGULATIONS (J) Off street parking & loading.

Table 8. Off-Street Parking and Loading Requirements

Residential		
Accessory Dwelling Unit Accessory Use	Accessory Dwelling Unit (ADU)	1 space maximum per dwelling unit

Items for consideration:

How to treat Home Occupations? Example from Bloomington:

(7) *Home businesses.* Type I home businesses are allowed within an accessory dwelling unit, subject to existing performance standards, provided the combined impacts of home occupations in the accessory dwelling unit and associated single-family dwelling unit do not exceed the performance standards for one single-family dwelling unit, including, but not limited to, the number of employees, signs, deliveries, pick-ups and client appointments per site. Type II home businesses are not allowed within accessory dwelling units.

If ADU has exterior stairs? Example for Minneapolis:

d. Stairways leading to an attached accessory dwelling unit located above the ground floor of a principal residential structure shall be enclosed or located entirely to the rear of the principal residential structure.

Is there a need for any additional design standards? Appearance, Exterior Materials?
Examples:

Bloomington:

(14) *Appearance.* Accessory dwelling units and associated single-family dwelling units must clearly be designed and constructed to maintain the outward appearance of one single-family dwelling; the appearance of a two-family dwelling must be avoided.

Minneapolis:

(4) Balconies and decks shall not face an interior side yard.

(5) Rooftop decks shall not be allowed.

(8) Attached ADUs:

b. The creation of the accessory dwelling unit shall not result in additional entrances facing the public street on the primary structure.

d. The primary exterior materials of an attached accessory dwelling unit shall match the primary exterior materials of the principal structure.

(9) Detached ADUs:

h. The primary exterior materials of the detached accessory structure shall be durable, including but not limited to masonry, brick, stone, wood, cement-based siding, or glass.

i. Not less than five (5) percent of the total area of the façade of a detached accessory dwelling unit facing an alley or public street shall be windows.

j. Exterior stairways shall be allowed, provided that the finish of the railing matches the finish or trim of the detached accessory dwelling unit. Raw or unfinished lumber shall not be permitted on an exterior stairway.

Precedents:

Bloomington: Two-family uses and ADUs Permitted in R-1

§ 21.302.03 ACCESSORY DWELLING UNITS.

(a) *Purpose and application.* In order to accommodate the housing needs of residents while protecting the public health, safety and general welfare of the community, the Council finds that these regulations are necessary in order to:

- (1) Create new housing units while respecting the appearance and character of single-family dwellings;
- (2) Provide housing that responds to changing family needs, privacy standards and household sizes;
- (3) Make more efficient use of existing housing stock and infrastructure; and
- (4) Encourage the creation of additional affordable housing.

(b) *Standards.*

(1) *Zoning district.* Accessory dwelling units must be located within the R-1 or RS-1 Residential Zoning Districts.

(2) *Reserved.*

(3) *Parking.* Accessory dwelling units are not permitted on residential sites that do not meet the minimum parking standards for a single-family dwelling unit (four off-street spaces, two of which are within a garage or area that could be occupied by a garage: see § 21.301.06). The total number of vehicles parked or stored must conform with the standards in § 12.03.

(4) *Location.* Accessory dwelling units must be attached to the single-family dwelling four season living space or located within single-family dwelling units. Accessory dwelling units are not permitted in conjunction with two-family dwellings, townhomes/rowhomes or multiple-family dwellings. Accessory dwelling units are not permitted in, or attached to, detached structures, including, but not limited to, detached garages or accessory buildings.

(5) *Number.* No more than one accessory dwelling unit is permitted per residential site.

(6) *Convertibility.* With respect to the point of attachment, degree of attachment and the coordination of floor plans between the single-family dwelling unit and the associated accessory dwelling unit, the accessory dwelling unit must be designed and

constructed to allow conversion of the accessory dwelling unit back to single-family residential space in the future.

(7) *Home businesses.* Type I home businesses are allowed within an accessory dwelling unit, subject to existing performance standards, provided the combined impacts of home occupations in the accessory dwelling unit and associated single-family dwelling unit do not exceed the performance standards for one single-family dwelling unit, including, but not limited to, the number of employees, signs, deliveries, pick-ups and client appointments per site. Type II home businesses are not allowed within accessory dwelling units.

(8) *Size.*

(A) *Minimum size.* Accessory dwelling units must be at least 300 square feet in area.

(B) *Maximum size.* Accessory dwelling units must be less than 960 square feet in area.

(C) *Proportionate size.* The floor area of an accessory dwelling unit must not exceed 33% of the combined four season living area of the accessory dwelling unit and the associated single-family dwelling unit

(D) *Common utility exception.* Areas containing common utility or mechanical equipment, up to a maximum of 100 square feet, that are within the accessory dwelling unit but serve both the accessory dwelling unit and single-family dwelling unit are exempt from the size calculation of the accessory dwelling unit.

(E) *Associated single-family dwelling size.* The associated single-family dwelling unit must continue to meet minimum floor area requirements; see § 21.301.01.

(9) *Utilities.* Accessory dwelling units are prohibited on sites not served by municipal sewer and water. Separate utility metering for the accessory dwelling unit is prohibited.

(10) *Ownership.* Accessory dwelling units may not be subdivided and may not be otherwise separated in ownership from the associated single-family dwelling unit.

(11) *Bedrooms.* No more than two bedrooms are permitted in the accessory dwelling unit.

(12) *Rental license.* Rental of either the accessory dwelling unit or associated single-family dwelling unit requires a rental license pursuant to Chapter 14 of the city code. Only one rental license is permitted per residential site.

(13) *Occupants.* Occupancy is limited to two persons in the accessory dwelling unit.

(14) *Appearance.* Accessory dwelling units and associated single-family dwelling units must clearly be designed and constructed to maintain the outward appearance of one single-family dwelling; the appearance of a two-family dwelling must be avoided.

(15) *Single-family dwelling standards.* Accessory dwelling units in combination with their associated single-family dwelling unit must conform to all city code requirements for single-family dwellings, including, but not limited to, setback, height, impervious surface, motor vehicle, recreational vehicle and accessory building standards.

(16) *Building Code compliance.* The accessory dwelling unit and the associated single-family dwelling unit must meet current State Building Code provisions, including, but not limited to, fire resistance and sound insulation standards between units.

(c) *Site plan requirements.* Any application for an accessory dwelling unit must be accompanied by:

(1) An existing conditions survey showing property lines, existing and proposed structures, existing and proposed impervious surface areas (call out overall percentage impervious), setbacks and required off-street parking;

(2) A letter of narrative describing the proposed accessory dwelling unit;

(3) Elevation drawings depicting both the existing and proposed structure from all four directions; and

(4) A floor plan of both the single-family dwelling and the associated accessory dwelling unit indicating points of entrance and floor areas.

(5) In the event an accessory dwelling unit is proposed entirely within the existing floor area of a single-family dwelling, the existing conditions survey is not required and elevation drawings are required only for those elevations proposed to be altered.

(6) A written description and/or plans depicting how the accessory dwelling unit may convert back to single-family residential space in the future.

(d) *Approval process.* Accessory dwelling units must receive administrative final site and building plan approval prior to issuance of a building permit.

(e) *Temporary family health care dwellings.* Pursuant to the authority granted by M.S. § 462.3593, subd. 9, as it may be amended from time to time, the city opts-out of

the requirements of M.S. § 462.3593, which defines and regulates temporary family health care dwellings.

Minneapolis Two-family uses and ADUs Permitted in R-1

Accessory dwelling units. Internal, attached, and detached accessory dwelling units shall be allowed accessory to a principal residential structure, subject to the following:

(1) The principal residential structure shall be a permitted or conditional single-family or two-family dwelling, accessory dwelling units shall be prohibited accessory to all other uses.

(2) No more than one (1) accessory dwelling unit shall be allowed on a zoning lot.

(3) The creation of an accessory dwelling unit shall not create a separate tax parcel.

(4) Balconies and decks shall not face an interior side yard.

(5) Rooftop decks shall not be allowed.

(6) An owner of the property must occupy at least one (1) dwelling unit on the zoning lot as their primary place of residence.

a. If an owner is unable or unwilling to fulfill the requirements of this section, the owner shall remove those features of the accessory dwelling unit that make it a dwelling unit. Failure to do so will constitute a violation of this section.

b. Prior to issuance of a permit establishing an accessory dwelling unit, the owner(s) shall file with the Hennepin County recorder a covenant by the owner(s) to the City of Minneapolis stating that the owner(s) agree to restrict use of the principal and accessory dwelling units in compliance with the requirements of this section and notify all prospective purchasers of those requirements.

c. The covenant shall run with the land and be binding upon the property owner, their heirs and assigns, and upon any parties subsequently acquiring any right, title, or interest in the property. The covenant shall be in a form prescribed by the zoning administrator that includes the legal description of the zoning lot. The property owner(s) shall return the original covenant with recording stamp to the zoning administrator before the building permit for the accessory dwelling unit is issued.

d. At the request of a property owner and upon an inspection finding that an accessory dwelling unit has been removed from the owner's property, the zoning administrator shall record a release of any previously recorded covenant for that accessory dwelling unit.

(7) Accessory dwelling units that are internal to a principal residential structure shall also comply with the following requirements:

a. Internal accessory dwelling units are limited to eight hundred (800) square feet. The gross floor area of an internal accessory dwelling unit may exceed eight hundred (800) square feet only if the portion of the structure in which the accessory dwelling unit is located was in existence as of January 1, 2015. In no case shall the floor area of the internal accessory dwelling unit exceed the floor area of the first floor of the primary structure.

b. The entire internal accessory dwelling unit shall be located on one (1) level.

c. The creation of the accessory dwelling unit shall not result in additional entrances facing the public street on the primary structure.

d. Stairways leading to an attached accessory dwelling unit located above the ground floor of a principal residential structure shall be enclosed or located entirely to the rear of the principal residential structure.

(8) Accessory dwelling units that are attached to a principal residential structure shall also comply with the following requirements:

a. The maximum gross floor area for an attached accessory dwelling unit shall be eight hundred (800) square feet.

b. The creation of the accessory dwelling unit shall not result in additional entrances facing the public street on the primary structure.

c. Stairways leading to an internal accessory dwelling unit located above the ground floor of a principal residential structure shall be enclosed or located entirely to the rear of the principal residential structure.

d. The primary exterior materials of an attached accessory dwelling unit shall match the primary exterior materials of the principal structure.

(9) Detached accessory dwelling units shall also comply with the following requirements:

a. Except as authorized by variance, a detached accessory dwelling unit shall not exceed twenty-one (21) feet in height.

b. The gross floor area of a detached accessory dwelling unit, including any areas designed or intended to be used for the parking of vehicles and habitable floor area on all levels, shall not exceed one thousand three hundred (1,300) square feet or sixteen (16) percent of the lot area, whichever is greater. In no case shall the gross floor area exceed one thousand six hundred (1,600) square feet or exceed the gross floor area of the principal dwelling, whichever is less.

c. When a lot includes a detached accessory dwelling unit, the combined floor area of the footprint of the detached accessory dwelling unit, and all other accessory structures and uses designed or intended to be used for the parking of vehicles, shall not exceed six hundred seventy-six (676) square feet or ten (10) percent of the lot area, whichever is greater, not to exceed one-thousand (1,000) square feet.

d. The minimum interior side yard requirement for a detached accessory dwelling unit shall not be less than three (3) feet.

e. The minimum rear yard requirement for a detached accessory dwelling unit may be reduced to three (3) feet, except where vehicle access doors face the rear lot line, in which case no reduction of the required yard is permitted.

f. A detached accessory dwelling unit on a reverse corner lot shall be no closer to the side lot line adjacent to the street than a distance equal to two-thirds of the depth of the required front yard specified in the yard requirements table of the district of the adjacent property to the rear. Further, a detached accessory dwelling unit shall not be located within five (5) feet of a rear lot line that coincides with the side lot line of a property in a residence or office residence district.

g. The distance between the detached accessory dwelling unit and the habitable portion of the principal residential structure shall be a minimum of twenty (20) feet.

h. The primary exterior materials of the detached accessory structure shall be durable, including but not limited to masonry, brick, stone, wood, cement-based siding, or glass.

i. Not less than five (5) percent of the total area of the façade of a detached accessory dwelling unit facing an alley or public street shall be windows.

j. Exterior stairways shall be allowed, provided that the finish of the railing matches the finish or trim of the detached accessory dwelling unit. Raw or unfinished lumber shall not be permitted on an exterior stairway.

(10) The zoning administrator shall conduct the administrative review of all applications for an accessory dwelling unit. All findings and decisions of the zoning administrator shall be final, subject to appeal to the board of adjustment, as specified in Chapter 525, Administration and Enforcement.

TWO-FAMILY DWELLINGS

§ 154.010 GENERAL REGULATIONS (E) Architectural requirements.

4. *Architectural control.* In all districts, buildings and structures must comply with the following:

(a) Single-family dwelling.

i. Shall be designed to consist of exterior materials compatible with residential development in the area with due regard to architectural quality and the massing of structures.

(b) Two-family dwelling.

i. Shall be designed to consist of exterior materials compatible with residential development in the area with due regard to architectural quality and the massing of structures.

ii. Garage frontage. Two-family dwelling garage doors facing a public or private street **are** limited to 40% of the structure width facing the same street.

iii. When a two-family dwelling is on a corner lot adjacent to two local streets as classified by the Comprehensive Plan, the garage for each unit must face a separate street.

(b c) ~~Two-family dwelling~~, t Townhouse dwelling and modular housing. (See Townhouse Ordinance)

NOTE: Existing (b) through (e) will be renumbered to reflect proposed subdivision (b).

§ 154.010 GENERAL REGULATIONS (D) Supplemental regulations

46. Two-Family dwelling.

(a) Because groupings of two-family dwellings have higher levels of neighborhood impact than stand alone, infill two-family dwellings, approval of groupings of two-family dwellings warrants a higher level of review and discretion. Plans for groupings of two-family dwellings within the R-1 District may only be approved when a planned unit development overlay zoning district has first been approved by the City Council. Two-family dwellings qualify as a grouping when the parcel on which a two-family dwelling is proposed within 500 feet of a parcel occupied by an existing or proposed two-family dwelling, measured along existing or proposed public streets.

(b) Attachment required. The two units in a two-family dwelling must have a common wall of at least ten feet in length or be oriented in an over/under relationship.

NOTE: Existing (46) through (50) will be renumbered to reflect proposed subdivision (46).

§ 154.010 GENERAL REGULATIONS (F) Landscaping and screening.

3. *Tree requirements.*

(a) Number of trees. Trees must be planted within the property lines and in a location as not to interfere with sight line visibility at maturity. The minimum number of trees of any given site shall be as follows:

- i. Single- and two-family uses. A minimum of one tree per parcel.

§ 154.006 RESIDENTIAL ZONES. (C) Use, lot and design requirements. 1. Permitted, conditional and interim uses.

Table 3. Residential Use Districts

Residential - Family Living	R-1	R-2	R-3	Supplemental Regulations
Two Family Dwelling	<u>P</u>	P	P	<u>X</u>

§ 154.006 RESIDENTIAL ZONES. (C) Use, lot and design requirements. 4. Design requirements.

Table 5. Residential Districts Design Requirements

District	Maximum Height	Lot Coverage	Density	Minimum Livable Floor Space	Limit of Surfacing in Front Yard
R-1 Single Family Residential District	Two (2) stories or 35 ft. in height, except flag poles, monuments and chimneys, church spires, belfries or domes which do not contain usable spaces, and radio and TV reception towers may extend to a maximum height of 45 ft. above the ground, City Water towers may extend to a height of 140 ft.	40%	Low (3 - 5.5 units/acre)	Single Family: One Story: 900 sq. ft. Two Story: 1,200 sq. ft. <u>Two Family: 900 sq. ft. per unit</u>	40%

R-2 Mixed Residential District	Senior Housing: Three (3) stories or 35 ft. in height. Accessory Building: 15 ft. except for Accessory Dwelling Unit, then 20 ft.	50%	Medium (5.6 - 7.3 units/acre)	Single Family: One Story: 900 sq. ft. Two Story: 1,200 sq. ft. Two Family: 900 sq. Ft. <u>Townhome:</u> <u>900 sq ft.</u>
R-3 Multiple Family Residential District	Three (3) stories or 35 ft. in height, except flag poles, monuments and chimneys, church spires, belfries or domes which do not contain usable spaces, and radio and TV reception towers may extend to a maximum height of 45 ft. above the ground, City Water towers may extend to a height of 140 ft. Separate height restrictions exist for accessory buildings.		High (7.4 - 22 units/acre)	Multiple Family: Efficiency Unit: 400 sq. ft. One Bedroom: 550 sq. ft. Two Bedroom: 700 sq. ft. Three Bedroom: 850 sq. ft. Four Bedroom: 1000 sq. ft. Two Family: 900 sq. Ft. <u>Townhome:</u> <u>900 sq. Ft.</u>

§ 154.010 GENERAL REGULATIONS (J) Off street parking & loading.

Table 8. Off-Street Parking and Loading Requirements

Residential		
Two Family Dwelling Residential- Family Living	Single Family Dwelling Unit Multifamily Dwelling Unit	2 per dwelling unit

Accessory Dwelling Units

DWELLING UNIT, ACCESSORY (ADU). Also known as a "granny flat," "mother-in-law apartment" or "carriage house" - is a self-contained living unit that can be located within the walls of an existing or newly constructed home, or that can be an addition to an existing home. It can also be a freestanding structure on the same lot as the main house or located within/attached to a detached garage.

§ 154.010 GENERAL REGULATIONS. (D) Supplemental regulations

2. Accessory dwelling unit.

(a) No more than one accessory dwelling unit may be located on a lot. No accessory dwelling unit shall be located on an R-1 zoned lot containing a two-family dwelling.

(b) The lot shall have a minimum area of 5,000 square feet.

(c) The lot shall have a minimum width ~~of 60 feet~~ equal to the underlying zoning district requirement.

(d) An attached accessory dwelling unit shall be part of the ~~single-family~~ **principal** dwelling on the same lot for the purpose of the bulk requirements of the district. Any secondary dwelling unit connected to the ~~single-family~~ **principal** dwelling is considered attached. An attached accessory dwelling unit must meet the following:

- (i) The associated ~~single-family~~ **principal** dwelling unit must continue to meet minimum floor area requirements
- (ii) Minimum size of the Accessory Dwelling unit shall be 300 square feet with a maximum size of 900 square feet

(e) A detached accessory dwelling unit shall be located ~~only within a freestanding structure or~~ above a detached garage of the ~~single-family~~ **principal** dwelling on the same lot. The detached accessory dwelling unit area must not exceed 900 square feet.

(f) A detached accessory dwelling unit shall be setback a minimum of ten feet from side and rear property lines or up to an easement line, but not on it whichever is greater.

~~(g) The height, lot area per dwelling unit, and usable open space requirements for detached accessory dwelling units shall be determined by the Zoning Administrator.~~

~~(h) The usable open space requirements for a detached accessory dwelling unit shall be 50% of the usable open space requirement in the district.~~

Commented [RK1]: Max is proposed to distinguish ADUs from two-family.

Min comes from Bloomington's Code

Commented [RK2]: [@Eva Perdu](#) This seems to be inconsistent. Detached ADUs allowed in a garage or as proposed in a freestanding building. Garages and accessory structures are allowed up to 3 ft from side and rear.

It might make sense to require it further than 3 ft since there are occupants in the structure – thus maybe more impact?

From practical standpoint – if someone wanted to add an adu to a garage that's 3 feet from the rear, would staff just have to verify that the living quarters are 10 ft from the side or rear property lines? Or would staff have to deny the permit on the basis of non-conforming setbacks?

The easiest approach would be to eliminate these setbacks and let the underlying ones prevail.

Commented [RK3]: The open space requirement are not tied to Zoning districts, just uses. SF isn't listed among those uses.

— (i) ~~The single family dwelling on the lot shall be owner occupied.~~

(~~kg~~) The entryway to the accessory dwelling unit shall be connected **by a paved route, to include driveways or sidewalks,** to a street frontage ~~with a paved walkway.~~

(~~lh~~) The accessory dwelling unit shall have a separate entrance from the ~~single-family~~ **principal** dwelling.

Commented [RK4]: Can they share internal passageways?

(i) Home Occupations. Type I home occupations are allowed within an accessory dwelling unit, subject to existing general provisions, provided the home occupation is incidental and secondary to the Accessory Dwelling unit. The home occupation within the ADU shall not be in addition to more than one home occupation within the principal dwelling. Type II home occupations are not allowed within accessory dwelling units.

§ 154.006 RESIDENTIAL ZONES. (C) Use, lot and design requirements. 1. Permitted, conditional and interim uses.

Table 3. Residential Use Districts

Accessory Uses and Structures	R-1	R-2	R-3	Supplemental Regulations
Accessory Dwelling Unit	PG	PG	PG	X

§ 154.010 GENERAL REGULATIONS (J) Off street parking & loading.

Table 8. Off-Street Parking and Loading Requirements

Residential		
Accessory Dwelling Unit Accessory Use	Accessory Dwelling Unit (ADU)	1 space maximum per dwelling unit

Items for consideration:

How to treat Home Occupations? Example from Bloomington:

(7) *Home businesses.* Type I home businesses are allowed within an accessory dwelling unit, subject to existing performance standards, provided the combined impacts of home occupations in the accessory dwelling unit and associated single-family dwelling unit do not exceed the performance standards for one single-family dwelling unit, including, but not limited to, the number of employees, signs, deliveries, pick-ups and client appointments per site. Type II home businesses are not allowed within accessory dwelling units.

If ADU has exterior stairs? Example for Minneapolis:

d. Stairways leading to an attached accessory dwelling unit located above the ground floor of a principal residential structure shall be enclosed or located entirely to the rear of the principal residential structure.

Is there a need for any additional design standards? Appearance, Exterior Materials?
Examples:

Bloomington:

(14) *Appearance.* Accessory dwelling units and associated single-family dwelling units must clearly be designed and constructed to maintain the outward appearance of one single-family dwelling; the appearance of a two-family dwelling must be avoided.

Minneapolis:

(4) Balconies and decks shall not face an interior side yard.

(5) Rooftop decks shall not be allowed.

(8) Attached ADUs:

b. The creation of the accessory dwelling unit shall not result in additional entrances facing the public street on the primary structure.

d. The primary exterior materials of an attached accessory dwelling unit shall match the primary exterior materials of the principal structure.

(9) Detached ADUs:

h. The primary exterior materials of the detached accessory structure shall be durable, including but not limited to masonry, brick, stone, wood, cement-based siding, or glass.

i. Not less than five (5) percent of the total area of the façade of a detached accessory dwelling unit facing an alley or public street shall be windows.

j. Exterior stairways shall be allowed, provided that the finish of the railing matches the finish or trim of the detached accessory dwelling unit. Raw or unfinished lumber shall not be permitted on an exterior stairway.

Precedents:

Bloomington: Two-family uses and ADUs Permitted in R-1

§ 21.302.03 ACCESSORY DWELLING UNITS.

(a) *Purpose and application.* In order to accommodate the housing needs of residents while protecting the public health, safety and general welfare of the community, the Council finds that these regulations are necessary in order to:

- (1) Create new housing units while respecting the appearance and character of single-family dwellings;
- (2) Provide housing that responds to changing family needs, privacy standards and household sizes;
- (3) Make more efficient use of existing housing stock and infrastructure; and
- (4) Encourage the creation of additional affordable housing.

(b) *Standards.*

(1) *Zoning district.* Accessory dwelling units must be located within the R-1 or RS-1 Residential Zoning Districts.

(2) *Reserved.*

(3) *Parking.* Accessory dwelling units are not permitted on residential sites that do not meet the minimum parking standards for a single-family dwelling unit (four off-street spaces, two of which are within a garage or area that could be occupied by a garage: see § 21.301.06). The total number of vehicles parked or stored must conform with the standards in § 12.03.

(4) *Location.* Accessory dwelling units must be attached to the single-family dwelling four season living space or located within single-family dwelling units. Accessory dwelling units are not permitted in conjunction with two-family dwellings, townhomes/rowhomes or multiple-family dwellings. Accessory dwelling units are not permitted in, or attached to, detached structures, including, but not limited to, detached garages or accessory buildings.

(5) *Number.* No more than one accessory dwelling unit is permitted per residential site.

(6) *Convertibility.* With respect to the point of attachment, degree of attachment and the coordination of floor plans between the single-family dwelling unit and the associated accessory dwelling unit, the accessory dwelling unit must be designed and

constructed to allow conversion of the accessory dwelling unit back to single-family residential space in the future.

(7) *Home businesses.* Type I home businesses are allowed within an accessory dwelling unit, subject to existing performance standards, provided the combined impacts of home occupations in the accessory dwelling unit and associated single-family dwelling unit do not exceed the performance standards for one single-family dwelling unit, including, but not limited to, the number of employees, signs, deliveries, pick-ups and client appointments per site. Type II home businesses are not allowed within accessory dwelling units.

(8) *Size.*

(A) *Minimum size.* Accessory dwelling units must be at least 300 square feet in area.

(B) *Maximum size.* Accessory dwelling units must be less than 960 square feet in area.

(C) *Proportionate size.* The floor area of an accessory dwelling unit must not exceed 33% of the combined four season living area of the accessory dwelling unit and the associated single-family dwelling unit

(D) *Common utility exception.* Areas containing common utility or mechanical equipment, up to a maximum of 100 square feet, that are within the accessory dwelling unit but serve both the accessory dwelling unit and single-family dwelling unit are exempt from the size calculation of the accessory dwelling unit.

(E) *Associated single-family dwelling size.* The associated single-family dwelling unit must continue to meet minimum floor area requirements; see § 21.301.01.

(9) *Utilities.* Accessory dwelling units are prohibited on sites not served by municipal sewer and water. Separate utility metering for the accessory dwelling unit is prohibited.

(10) *Ownership.* Accessory dwelling units may not be subdivided and may not be otherwise separated in ownership from the associated single-family dwelling unit.

(11) *Bedrooms.* No more than two bedrooms are permitted in the accessory dwelling unit.

(12) *Rental license.* Rental of either the accessory dwelling unit or associated single-family dwelling unit requires a rental license pursuant to Chapter 14 of the city code. Only one rental license is permitted per residential site.

(13) *Occupants.* Occupancy is limited to two persons in the accessory dwelling unit.

(14) *Appearance.* Accessory dwelling units and associated single-family dwelling units must clearly be designed and constructed to maintain the outward appearance of one single-family dwelling; the appearance of a two-family dwelling must be avoided.

(15) *Single-family dwelling standards.* Accessory dwelling units in combination with their associated single-family dwelling unit must conform to all city code requirements for single-family dwellings, including, but not limited to, setback, height, impervious surface, motor vehicle, recreational vehicle and accessory building standards.

(16) *Building Code compliance.* The accessory dwelling unit and the associated single-family dwelling unit must meet current State Building Code provisions, including, but not limited to, fire resistance and sound insulation standards between units.

(c) *Site plan requirements.* Any application for an accessory dwelling unit must be accompanied by:

(1) An existing conditions survey showing property lines, existing and proposed structures, existing and proposed impervious surface areas (call out overall percentage impervious), setbacks and required off-street parking;

(2) A letter of narrative describing the proposed accessory dwelling unit;

(3) Elevation drawings depicting both the existing and proposed structure from all four directions; and

(4) A floor plan of both the single-family dwelling and the associated accessory dwelling unit indicating points of entrance and floor areas.

(5) In the event an accessory dwelling unit is proposed entirely within the existing floor area of a single-family dwelling, the existing conditions survey is not required and elevation drawings are required only for those elevations proposed to be altered.

(6) A written description and/or plans depicting how the accessory dwelling unit may convert back to single-family residential space in the future.

(d) *Approval process.* Accessory dwelling units must receive administrative final site and building plan approval prior to issuance of a building permit.

(e) *Temporary family health care dwellings.* Pursuant to the authority granted by M.S. § 462.3593, subd. 9, as it may be amended from time to time, the city opts-out of

the requirements of M.S. § 462.3593, which defines and regulates temporary family health care dwellings.

Minneapolis Two-family uses and ADUs Permitted in R-1

Accessory dwelling units. Internal, attached, and detached accessory dwelling units shall be allowed accessory to a principal residential structure, subject to the following:

(1) The principal residential structure shall be a permitted or conditional single-family or two-family dwelling, accessory dwelling units shall be prohibited accessory to all other uses.

(2) No more than one (1) accessory dwelling unit shall be allowed on a zoning lot.

(3) The creation of an accessory dwelling unit shall not create a separate tax parcel.

(4) Balconies and decks shall not face an interior side yard.

(5) Rooftop decks shall not be allowed.

(6) An owner of the property must occupy at least one (1) dwelling unit on the zoning lot as their primary place of residence.

a. If an owner is unable or unwilling to fulfill the requirements of this section, the owner shall remove those features of the accessory dwelling unit that make it a dwelling unit. Failure to do so will constitute a violation of this section.

b. Prior to issuance of a permit establishing an accessory dwelling unit, the owner(s) shall file with the Hennepin County recorder a covenant by the owner(s) to the City of Minneapolis stating that the owner(s) agree to restrict use of the principal and accessory dwelling units in compliance with the requirements of this section and notify all prospective purchasers of those requirements.

c. The covenant shall run with the land and be binding upon the property owner, their heirs and assigns, and upon any parties subsequently acquiring any right, title, or interest in the property. The covenant shall be in a form prescribed by the zoning administrator that includes the legal description of the zoning lot. The property owner(s) shall return the original covenant with recording stamp to the zoning administrator before the building permit for the accessory dwelling unit is issued.

d. At the request of a property owner and upon an inspection finding that an accessory dwelling unit has been removed from the owner's property, the zoning administrator shall record a release of any previously recorded covenant for that accessory dwelling unit.

(7) Accessory dwelling units that are internal to a principal residential structure shall also comply with the following requirements:

a. Internal accessory dwelling units are limited to eight hundred (800) square feet. The gross floor area of an internal accessory dwelling unit may exceed eight hundred (800) square feet only if the portion of the structure in which the accessory dwelling unit is located was in existence as of January 1, 2015. In no case shall the floor area of the internal accessory dwelling unit exceed the floor area of the first floor of the primary structure.

b. The entire internal accessory dwelling unit shall be located on one (1) level.

c. The creation of the accessory dwelling unit shall not result in additional entrances facing the public street on the primary structure.

d. Stairways leading to an attached accessory dwelling unit located above the ground floor of a principal residential structure shall be enclosed or located entirely to the rear of the principal residential structure.

(8) Accessory dwelling units that are attached to a principal residential structure shall also comply with the following requirements:

a. The maximum gross floor area for an attached accessory dwelling unit shall be eight hundred (800) square feet.

b. The creation of the accessory dwelling unit shall not result in additional entrances facing the public street on the primary structure.

c. Stairways leading to an internal accessory dwelling unit located above the ground floor of a principal residential structure shall be enclosed or located entirely to the rear of the principal residential structure.

d. The primary exterior materials of an attached accessory dwelling unit shall match the primary exterior materials of the principal structure.

(9) Detached accessory dwelling units shall also comply with the following requirements:

a. Except as authorized by variance, a detached accessory dwelling unit shall not exceed twenty-one (21) feet in height.

b. The gross floor area of a detached accessory dwelling unit, including any areas designed or intended to be used for the parking of vehicles and habitable floor area on all levels, shall not exceed one thousand three hundred (1,300) square feet or sixteen (16) percent of the lot area, whichever is greater. In no case shall the gross floor area exceed one thousand six hundred (1,600) square feet or exceed the gross floor area of the principal dwelling, whichever is less.

c. When a lot includes a detached accessory dwelling unit, the combined floor area of the footprint of the detached accessory dwelling unit, and all other accessory structures and uses designed or intended to be used for the parking of vehicles, shall not exceed six hundred seventy-six (676) square feet or ten (10) percent of the lot area, whichever is greater, not to exceed one-thousand (1,000) square feet.

d. The minimum interior side yard requirement for a detached accessory dwelling unit shall not be less than three (3) feet.

e. The minimum rear yard requirement for a detached accessory dwelling unit may be reduced to three (3) feet, except where vehicle access doors face the rear lot line, in which case no reduction of the required yard is permitted.

f. A detached accessory dwelling unit on a reverse corner lot shall be no closer to the side lot line adjacent to the street than a distance equal to two-thirds of the depth of the required front yard specified in the yard requirements table of the district of the adjacent property to the rear. Further, a detached accessory dwelling unit shall not be located within five (5) feet of a rear lot line that coincides with the side lot line of a property in a residence or office residence district.

g. The distance between the detached accessory dwelling unit and the habitable portion of the principal residential structure shall be a minimum of twenty (20) feet.

h. The primary exterior materials of the detached accessory structure shall be durable, including but not limited to masonry, brick, stone, wood, cement-based siding, or glass.

i. Not less than five (5) percent of the total area of the façade of a detached accessory dwelling unit facing an alley or public street shall be windows.

j. Exterior stairways shall be allowed, provided that the finish of the railing matches the finish or trim of the detached accessory dwelling unit. Raw or unfinished lumber shall not be permitted on an exterior stairway.

(10) The zoning administrator shall conduct the administrative review of all applications for an accessory dwelling unit. All findings and decisions of the zoning administrator shall be final, subject to appeal to the board of adjustment, as specified in Chapter 525, Administration and Enforcement.